REPORT

OF THE

MUHAMMADAN EDUCATIONAL ENDOWMENTS COMMITTEE.

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TABLE OF CONTENTS.

	Para.
Preliminary	1
Origin of the Committee	2
Instructions given to the Committee	3
Their general purport	4
Proceedings of the Committee	5
Period for which the Committee was appointed	6
Number and income of endowments devoted solely to education	7
Mixed endowments	8
The statement as to those is not exhaustive	9
Directions in which deficiencies are to be sought	10
Character of the endowments as shown by their deeds of foundation	11
Vested interests of managers in endowments	12
Large discretionary powers of managers	13
Private endowments	14
Small prominence given to education in the deeds	15
Nature of education given	16
The Sasseram endowment: its origin	17
Objects of the endowment	18
Alienation of the endowed property	19
Attempts made by Government to exercise control over the endowment: their failure	20
Direct management by Government: its success	21
The manager restored by decree of the Civil Court	22
Points illustrated by the history of this endowment	23
The Mohsin Fund: its origin	24
The founder's title to the endowed lands disputed at the date of the foundation, and for thirty years afterwards	25
Embezzlement of the income, and Government control	26
Accumulation of a large surplus under Government management	27
Government orders of 1836 as to appropriating the surplus at discretion	28
Formation of a Committee under Act XX of 1863 for control of the religious portion of the fund	29
Appropriation of the surplus to secular uses	30
Points illustrated by the history of the Mohsin Fund	31
Extent to which malversation of educational endowments has been proved	32
Existing law as to endowments	33
Muhammadan Law	34
Regulation XIX of 1810	35
Its effect	36
Act XX of 1863: its origin	37
Its purport	38
Its effect	39
Section 539 of the Code of Civil Procedure	40
Proposals to amend the present law—	
(1) That of the Orissa Commission	41
(2) That of Sir William Robinson	42
Opinions expressed on the above proposals	43
(3) That of Sir Ashley Eden	44
Decision of the Government of India that legislation was undesirable	45
Suggestions made during the course of the present enquiry	46
Proposals of the Central National Muhummadan Association	47
Counter-proposals of the Muhummadan Literary Society	48
Remarks upon the proposals of the Central National Muhummadan Association	49
The supervision of religious education should not be entrusted to a Committee	50
Difficulty of deciding that in any case secular instruction is the object of a foundation	51
Inadequate amount of the results to be expected	52

	Para.
Conclusion that it is not advisable to separate the funds available for secular education from the mixed endowments	53
This conclusion applicable to all schemes for such separation	54
It is in conformity with the decision arrived at in other Provinces	55
Proposal made by a meeting of Muhammadans at Arrah that the surplus funds of all endowments should be devoted to education	56
The funds left for religious purposes cannot be treated as surplus, and made over to educational institutions	57
The funds left for religious education cannot be made over for secular education	58
Proposal of the Cuttack Sub-Committee to devote to education funds left for certain secular purposes	59
Proposal to vest all endowment funds in one official trustee	60
Strength of the feeling against any violation of the wishes of founders ...	61
The supervision of mixed endowments must continue to be a matter of judicial cognizance	62
Proposals of the Committee—	
(1) That the cost of suits for the better administration of educational endowments be advanced by Government	63
(2) That the law as to the institution of suits relating to endowments should be simplified	64
(3) That a Committee be appointed for the distribution of the educational assignment of the Mohsin Fund	65
Abandonment of the original proposal to vest the Committee with powers of inquisition as to other endowments	66
Conclusion	67
	Appendix.
Proceedings of the meetings of the Muhammadan Educational Endowments Committee	I
Copies of Touliutnamahs	II
Memorandum by Nawab Meer Mahomed Ally; Memorandum of the Central National Muhammadan Association; note by the Hon'ble Abdul Jubbar; letter from the Muhammadan Literary Society dated 14th March 1887, and Memorandum II by the Central National Muhammadan Association ...	III
Letter from the Muhammadan Educational Endowments Committee to the Government of Bengal No. 184, dated 9th December 1887, regarding the amendment of the provisions of the Civil Procedure Code as to public or charitable trust	IV

No. 206.

FROM THE MUHUMMADAN EDUCATIONAL ENDOWMENTS COMMITTEE,

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL,

GENERAL DEPARTMENT.

Dated Calcutta, the 28th February 1888.

SIR,

THE members of the Muhummadan Educational Endowments Committee have the honour to submit the following report for the information of His Honour the Lieutenant-Governor of Bengal.

Origin of the Committee.

2. The Central National Muhummadan Association in a memorial addressed in February 1882, to the Government of India, while discussing generally the present position of Muhummadans in India, took occasion to represent that there are numerous endowed properties scattered throughout the country, most of which, besides a religious object, had originally the promotion of learning in view, and suggested that a Commission should be appointed to examine into the nature of these endowments, among which the Mohsin fund, with its large accumulations, was particularly specified, and to consider whether they should not be applied to promote Muhummadan education. The Government of India, in a Resolution, dated the 15th July 1885, recorded the following observations and orders on this part of the memorial:—

As regards Muhammadan endowments generally, these are almost invariably, it is believed, of a religious or *quasi*-religious character: and while it is impossible for Government to meddle with them, large powers of interference are conferred on those interested under the provisions of Act XX of 1863. What is chiefly required is, as the Lieutenant-Governor of Bengal points out, that the enlightened members of the Muhammadan community should bring pressure to bear upon their less advanced co-religionists, in whose hands the funds of this description for the most part lie, to give a wise direction to their expenditure.

While it is clear, therefore, that undue importance has been attached by the memorialists to this matter, His Excellency the Governor-General in Council is disposed to think that it would be satisfactory to the leaders of the Muhammadan community that the question of the management and appropriation of Muhammadan educational endowments should be more fully examined. It may be possible by some unobjectionable amendment of the law to secure more effectually than is the case at present the object which the memorialists have in view. His Excellency in Council would be glad therefore if the Local Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab were each to appoint a small committee to consider and report upon this subject. Each committee might consist of an experienced Revenue Officer, one or two influential Muhammadan gentlemen, one at least being a learned Muhammadan lawyer, and one or more of the legal advisers of the Government. In the Presidency towns it would be very desirable that the Advocate-General should be invited to serve upon the Committee. The different local committees might advantageously be placed in direct communication with one another, and their reports when ready should be submitted through the Local Government, with the opinion of that Government, for the consideration of the Government of India.

Instructions given to the Committee.

3. In appointing the Committee, the formation of which was suggested in the passage quoted above, the Government of Bengal stated in a resolution, dated the 8th December 1885:—

It is stated in the Resolution of the Government of India that Muhmamadan endowments are usually of religious or *quasi*-religious character, and this statement, in the Lieutenant-Governor's opinion, is generally in accordance with the facts in Bengal. With endowments of a religious character, the enquiry which it is now proposed to set on foot will have no concern; but with endowments intended by the founder to be appropriated to educational as well as to purely religious uses, the case may be different. Here the Committee of Enquiry will be entitled to distinguish between the religious and secular aspects of such funds, and ascertain whether the latter aspects are receiving from the trustee of the endowment the attention they deserved.

An important matter is the way in which the Committee of Enquiry should proceed to work. No doubt much assistance will be given by District Officers, and much information will be obtained from the archives of Government to which access will be permitted; but something more than this will be necessary if full information is to be collected. Many, if not most, of the Muhammadan endowments are not brought upon the records of Government, and therefore it will be desirable for the Muhammadan community in each district to take the matter in hand, and from the resources of their local knowledge supplement the defects of the public records. The Lieutenant-Governor therefore desires that in communication with, and acting on the advice of the Committee, the Collector of each district, in which minute enquiries are desirable, should associate with himself the chief Muhammadan gentlemen resident in the district and avail himself of their knowledge in gathering the requisite information. It will be for the National Muhammadan Association, at whose instance the enquiry is being undertaken, to place themselves in communication with their local branches, and to do what in them lies to stimulate their correspondents into activity on this point. The Secretary of the Committee should also visit the chief centres of Muhammadanism in the mofussil, and by his influence and advice help in forming these Sub-Committees, on whose activity the success of this enquiry will mainly depend.

When the facts regarding the extent and character of the endowments in question have been ascertained, the duty of the Committee will then be to consider how far they point to the necessity for action, executive or legislative, to provide that the endowment funds may be most usefully employed. In considering this point, it is desirable that the Committee should bear in mind that the Government is anxious to hold itself aloof from the management of educational endowments not directly entrusted to its charge by the testator or donor. Should, therefore, the Committee consider, with reference to the facts that may come before them, that a change in the management of individual funds or a modification of the existing law is desirable, it is requested that their recommendations will take due regard of the possibility of an extension to educational endowments of the principle of the Act of 1863, whereby competent members of the Muhammadan community are made chargeable with the control of religious endowments.

Their general purport.

4. The ultimate object of the Committee's appointment was, therefore, to consider and report upon the question whether, without violating the principle that Government cannot connect itself with religious institutions, any change can be effected in the law, or in its administration, by which the more effective supervision of Muhammadan educational endowments may be secured. In order to discuss the subject with advantage, and to place Government in a position to form an independent judgment upon it, the Committee was required in the first instance to enquire as to the relevant facts. It must, however, be distinctly understood that the Committee received from the Legislature no power to call for documents, summon witnesses, or to pursue by other coercive means an inquisition as to matters which the Managers of endowments might wish to conceal; and that the enquiry conducted was not, therefore, from its very nature, calculated to elicit evidence as to particular cases of malversation, or to lead to the collection of complete statistics as to the number and resources of endowments. The information given is such as could be obtained from the Muhammadan Associations, from individuals willing to assist in the enquiry, from the officers of Government in the interior, and from the records of the Bengal Office and the Board of Revenue. Although far from complete, it may, it is hoped, be sufficient for the purpose immediately proposed, as giving some approximation to the truth as to the number of educational endowments known to exist, and sufficiently illustrating their working.

Proceedings of the Committee.

5. The Bengal Government having proffered the assistance of local officers for the conduct of the enquiry, the Committee issued a circular requesting each Collector, with the assistance, if necessary, of a sub-committee of residents, to send, in a form prescribed, information as to each Muhammadan endowment in his district, any part of the proceeds of which was, or should have been, expended on education, the date of its foundation, its character, total income, the sum available for education, the objects to which its funds were devoted, and the nature of any instruction imparted, whether secular or religious. It was further asked that a copy might be forwarded of the *touliutnamah*, or other document by which each endowment had been originally established, and, if this could not be procured, that the statements of competent witnesses might be recorded to prove the object of each foundation. The Secretary to the Committee visited the chief Muhammadan centres, namely, Patna, Moorshedabad, Dacca, Chittagong, and Hooghly (the seat of the Mohsin endowment), and assisted at the formation in each of a sub-committee of Muhammadan gentlemen, acting with the

local officers of Government. Similar sub-committees were also formed in the 24-Pergunnahs, Balasore, Cuttack, and Noakholly. The Secretary to the Central National Muhammadan Association forwarded such information as he received from private sources, and these communications were sent to the District Collectors for enquiry, and for guidance in preparing their reports. The records of the offices of the Bengal Government and of the Board of Revenue, so far as they had any bearing on the subject, have also been attentively examined on the part of the Committee.

Periods for which the Committee was appointed.

6. The Committee was originally appointed for six months, a member of the Civil Service being placed on deputation for that period, as member and Secretary. This officer remained on special duty for less than four months, after which he carried on the work of the Committee in addition to his own as Secretary to the Government of Bengal; and though it has been found necessary considerably to extend the time for which the Committee was originally appointed, this has been done without charge to Government, either for establishment or on any other account.

Number and income of endowments devoted solely to education.

7. In considering the information collected, it is necessary to notice the very broad distinction which exists between foundations which are purely educational and what are called the mixed endowments. The former are all of modern origin, there is no special difficulty in ascertaining their conditions, they are well managed, but of no great importance, and no suggestion has ever been made that either the law or the administration is defective as far as they are concerned. The following statement shows the nature and value of endowments of this class :—

STATEMENT A.

Endowments exclusively educational.

No.	NAMES OF ENDOWMENTS.	Invested capital.	Annual income.	Date of foundation.	OBJECT.	REMARKS.
		Rs.	Rs. A. P.			
1	Scindhia's and Bhopal's Donation Fund	1,000	40 0 0	April 1882	The support of a scholarship in connection with the Calcutta Madrassa.	
2	Eden Scholarship's Fund ...	.....	500 0 0	,, ,,	The support of a scholarship to be held by a Muhammadan at the Government Engineering College, Seebpore.	
3	Muhammadan Literary Society's Ripon Prize Fund.	1,000	40 0 0	Jan. 1883	Annual prizes to be given to Muhammadan candidates who pass the Entrance Examination of the Calcutta University, but fail to obtain scholarships, a preference being given to students of the Calcutta Madrassa The fund was established in commemoration of a visit paid to the Madrassa by the Marquis of Ripon, and is managed by the Director of Public Instruction.	
4	Shahzada Mohammad Nussirudeen Hyder's Ripon Prize Fund.	300	12 0 0	,, ,,	Ditto ditto.	
5	Shahzada Mohammad Raheemuddeen's Ripon Prize Fund.	1,000	40 0 0	,, ,,	Ditto ditto.	
6	Mirza Abdul Kareem Shirazi's Ripon Prize Fund.	300	12 0 0	,, ,,	Ditto ditto.	
7	Kasim Ariff's Ripon Prize Fund	500	20 0 0	,, ,,	Ditto ditto	
8	Nawab Zainul Abideen Khan Bahadoor's Ripon Prize Fund.	500	20 0 0	,, ,,	Ditto ditto.	
9	Moulvi Syud Aley Ahmad's Ripon Prize Fund.	500	20 0 0	,, ,,	Ditto ditto.	
10	Prince Jahan Kader Mirza Muhammad Wahid Ali Bahadoor's Ripon Prize Fund.	500	20 0 0	,, ,,	Ditto ditto.	
11	Syad Ali Khan Bahadoor's Ripon Scholarship Fund.	3,000	120 0 0	,, ,,	A scholarship to be given under the conditions specified above.	
12	Ameer-i-kabir's Madrassa Scholarship Fund.	15,000	600 0 0	,, ,,	Two junior scholarships tenable for two years in the collegiate classes of the Calcutta Madrassa by Muhammadan students who pass the Entrance Examination; and one scholarship for one year to the holder of Syad Ali Khan Bahadoor's Ripon scholarship after its term has expired.	
13	Durbhanga Madrassa Scholarship.	12,000	480 0 0		Two scholarships open to students who pass the F. A. Examination from the Calcutta Madrassa, tenable in any arts college of the first grade, or in the Medical College or Engineering College.	
14	Syad Lootf Ali Khan's Ripon Scholarship Fund.	6,000	240 0 0	,, ,,	Two scholarships to be given to students who pass the Entrance Examination from the Patna Collegiate school and the Calcutta Madrassa.	
15	Nawab Abdool Luteef Khan's Ripon Prize Fund.	300	12 0 0	,, ,,	An annual prize to a student of the Calcutta Madrassa passing the Entrance Examination, but failing to obtain a scholarship.	
16	Nawab Ahsanullah's Ripon Scholarship Fund.	3,000	120 0 0	,, ,,	A scholarship to be awarded to a Muhammadan student, and tenable for four years at any of the Arts Colleges in Bengal.	

No.	Names of Endowments.	Invested capital.	Annual income.	Date of foundation.	Object.	Remarks.
		Rs.	Rs. A. P.			
17	National Muhammadan Association Scholarship Fund.	.....	.....	... ..	Four scholarships, two of Rs. 15 each, one being tenable at the Medical College for five years, and the other at Seebpore Engineering College for three years; and two of Rs. 10 each, tenable for four years in any of the Arts Colleges, Bengal, established in commemoration of the visit paid to the Calcutta Madrassa by the Marquis of Ripon. Funds have been fully provided for the permanent endowment of one only of these scholarships. Towards the foundation of the others Rs. 1,300 have been contributed.	Discontinued
18	Syad Kazi Reza Hossain's Endowment Fund.	30,000	1,600 0 0	May 1885	The education of Muhammadan youths in English.	
19	Munshi Ahmuddin's Scholarship Fund.	.....	145 0 0	Feb. 1884	The support of two scholarships and the giving of a silver medal in connection with the Calcutta Madrassa.	do.
20	Munshi Ahmuddin's Scholarship	....	145 0 0	May 1885	Ditto ditto.	do.
21	Khajah Abdul Ghani's Scholarship Fund.	7,500	337 8 0	1871 ...	The support of a scholarship in connection with the Medical College, Calcutta. The fund was established in commemoration of His Royal Highness the Duke of Edinburgh's visit to India.	
22	Norman Memorial Fund	Government papers valued at Rs. 3,500.	140 0 0	1872 ...	Annual prizes in connection with the Calcutta Madrassa.	
23	Badrunnissa Bibi's Endowment	.....	600 0 0	11th Sraban 1282 or 1876.	Muhammadan and English teaching.	do.
24	Nawab Ahsanullah Scholarship Fund.	.....	288 0 0	1881 ...	Secular education	The foundation is for the Nawab's lifetime.
25	O'Kinealy Fund	2,000	80 0 0	1870	Secular education.	
26	Syad Hossain Ali Chowdhuri's Endowment.	... ..	292 12 0	.....	Maintenance of a teacher of Persian and Arabic in the Chandpore school.	
27	Pana Mia's endowment	.. ...	1,250 0 0	1st Falgoon 1273 corresponding with 12th Feb. 1867.	Maintenance of an upper primary school.	The endowed property consisted of two talooks, one of which has since been sold for about Rs. 1,250, of which Rs 1,100 have been invested in 4 per cent. Government securities, and the remaining talook, yielding a net profit of Rs. 250 annually, supplemented by a Government grant from the grant-in-aid fund of Rs. 60 per annum, is devoted to the maintenance of an upper primary school, to which is attached an Arabic or Persian class. Entry 44 in the list of Towlidnamahs.
28	Golegram Khanka	.....	60 0 0	6th April 1870	To teach Bengali, Arabic, and Persian.	Rs. 53-12-0 are available for education.
29	Jogirah Endowment ...	.....	4,960 0 0	2nd June 1853	To teach Arabic and Persian and calligraphy in the Mozufferpore zillah school.	Rs. 2,395 are available for education.
30	Wakf Tahtul Musjid	.....	1,500 0 0	12th September 1876.	To teach Persian and Urdu and the Koran.	Rupees 2,000 are annually spent, being Rs. 500 over and above the income of the endowments by Munshi Abdul Gunny, who intends shortly to add as much landed property to the endowment as will yield the difference.

8. The difficulty of the present enquiry, whether as regards ascertaining the facts or arriving at a decision on the question of the policy to be adopted, is confined to what have been called the mixed endowments, those which are to some extent educational in character, while promoting other objects as well. It is not to be understood from the name which has been for convenience assigned to them that there was any thing mixed or complicated in the motives with which these institutes were established. The primary object of the pious founders was generally the maintenance in the customary manner of a mosque, a mausoleum, a shrine, a *khanka* for the residence of the devotees, or an *imambarah* for the celebration of festivals according to the customs of the Shiah sect. Education and certain forms of charity, if mentioned in the foundation deeds, are not prescribed as acts clearly separated and distinguished from the religious observances proper to such institutions, but as good works, or pious uses, appertaining thereto naturally, and by time-honoured tradition. As often as not there is no direction in the deed as to education, but the foundation is entered in our statement because, as a matter of fact, instruction is given in connection with it, such an application of the funds of a religious endowment not being held by Muhammadans to be a perversion from the expressed purpose of the founder, but a legitimate exercise of the discretion vested in the manager. The statement given below, therefore, includes all mixed endowments, from the proceeds of which education should be given according to the terms of the grant, or is in fact given, although not made obligatory by the deed of foundation.

Mixed endowments.

STATEMENT B.

Mixed endowments, from the proceeds of which some assistance is or should be given to education.

No.	Name of endowment.	Name of founder and date of foundation.	Character of endowment.	Total income.	Income available for educational purposes.	Purposes to which the endowment is at present applied.	Character of education given by the endowment.	REMARKS.
	GENERAL.							
1	Mohsin Fund ...	Haji Mahomed Mohsin, 1213 B.S. (A.D. 1806).	To provide for religious observances, the support of an imambara, and of the managers.	Rs. 1,12,072	Rs. 56,565	The support of Muhammadan education in the Lower Provinces generally by maintaining madrassas, scholarships, and moulvis attached to English schools.	Secular	*Vide* entry 30, statement C. This endowment was founded to maintain a Muhammadan institution not of an educational character, and falling under the management of Government has been to a great extent used for educational purposes.
	Moorshedabad.							
2	Nazir Dost Mahomed Khan's Endowment.	Nazir Dost Mahomed Khan, in 1167 Hijri, corresponding with 1750 A.D.	One-third for the expenses of musjid mokbara of the founder; one-third for maintenance of *mutwalli*; and one-third for the expenses of madrassa.	Rs. 2,624-11-11, less cesses and collection charge, leaves a balance of Rs. 1,968-11-11.	One-third of the income.	Expenses for musjid, *mutwalli*, madrassa, and liquidation of debts.	Religious	Entry 1, statement C.
	Dacca.							
3	Rahman Bibi's Endowment.	Rahman Bibi, 7th Aghrayan 1257 B.S., corresponding with 22nd November 1851 A. D.	Religious, charitable, and for the support of students.	Rs. 160	At present Rs. 150 are spent on behalf of students.	Religious and charitable and for supporting students.	.....	Copy of *Will* in connection with the endowment received. Entry 4, statement C.
4	Akhtarannissa Khatoon's Endowment.	Aktarannissa Khatoon, 8th Kartic 1273 B.S., corresponding with 24th October 1866.	Religious and charitable; a madrassa maintained.	„ 500		Religious, charitable, and educational.	The education is religious, its sole object being to enable the students to study religion.	Entry 5, statement C. The foundation deed provides that the education shall be religious only.
5	Mujlesunnissa Bibi's Endowment.	Mujlesunnissa Bibi, widow of Mahomed Azeem of Shonargaon, 15th Bysak 1258 B.S., corresponding with 12th April 1851.	To defray the expense of Sonargaon and Dacca mosques; to keep Taleb-ul-ilms (students) in both of them, giving them food and education; to provide for the reading of the koran; to feed strangers at Shonargaon house; to give alms to the poor, and to feed them once a year at Dacca and Sonargaon.	„ 15,131-1-11	Uncertain	Religious and educational purposes, as directed in the *wakfnamah*.	Religious.	
6	Ainuddeen Hyder's Endowment.	Ainuddeen Hyder, 11th Bysack 1271 B.S., April 1864 A. D.	Out of the income 5 Taleb-ul-ilms (students) are to be kept and educated, and the balance to the use of the founder's family.	„ 1,510-10-4	Ditto	As directed in the *wakfnamah*.	Ditto.	

No.	Name of endowment.	Name of founder and date of foundation.	Character of endowment.	Total income.	Income available for educational purposes.	Purposes to which the endowment is at present applied.	Character of education given by the endowment.	Remarks.
	Furreedpore.							
7	Syed Ali Ashraf's Endowment.	Syed Ali Ashraf of Padamdi, 16th Assin 1273 B.S., corresponding with 25th September 1866.	Primarily religious; charity, schools, and medical treatment.	Rs. 1,865-15-19 gundas ...	Rs. 375	Religious, educational, charitable	A school is maintained at a cost of Rs. 375. The mutwalli is Nawab Meer Mahomed Ali, son of the founder and a member of the Committee. He draws an allowance only when there is a surplus, and supplies deficiencies from his own funds.	Entry 6, statement C.
	Mymensingh.							
8	Hybutnagar Madrassa.	Dewan Khoda Nawaz Khan, 1841.	Educational, and to support testator's family.	„ 1,200 ... ?.. ...	„ 1,200	Education of four students	Ordinary Persian literature.	Entry No. 8, statement C, shows that the education should be exclusively religious.
	Chittagong.							
9	Meer Ehya Endowment.	Shahamat Jung Nowazesh, Khan Bahadoor, 1729 A.D.	Personal, educational, and religious.	„ 1,013-11-8	„ 300	Towards the maintenance of a mosque and a school in the town.	Secular	Copy of the *sanad* creating the endowment is given in entry No. 9, statement C.
10	Purgulpore Wakf	Not given	Religious and educational ...	The Commissioner observes that this is "a modern endowment created in favour of the executor's family, and for the maintenance, according to custom, of a musjid and two madrassas. The High Court has adjudged the grant to be invalid so far as it provided for the maintenance of the family, holding that it merely created a charge on the property for the support of the mosque and madrassas."				
11	Shaikh Saheb Mosque.	Not given—15th July 1766 A.D.	Religious	Rs. 1,306	Rs. 360	Religious and educational	Religious	Education is not made obligatory by *sanad*, a copy of which is given in entry No. 11, statement C.
	Noakhally.							
12	Amorabad Endowment.	Basirullah Darogah, 24th Kartic 1281 B.S. (1874 A.D.)	Religious and charitable	Not mentioned in the deed.	Not mentioned in the deed.	Religious, charitable, and educational.	Religious.	
13	Taluk Dullab Roy, pergunnah Joynagor.	Sabir Khan Darogah, 24th Assin 1273 B.S. (1866 A.D.)	Religious and educational and the maintenance of the donor's family.	Rs. 10,000	At present Rs. 600 are spent in educational purposes. Rs. 1,000 might be made available.	Those for which the endowment was made.	Ditto	Entry No. 43, statement C. The deed enjoins that he education given shall be in Persian and Arabic.
14	Monwar Mia Endowment.	Mahomed Monwar Mia, 25th Baisak 1284 B.S. (1877 A.D.)	Primarily for the maintenance of the founder's heirs and of two mosques, with a provision for feeding talib-ul-ilms (students).	„ 1,500	At present Rs. 500 are spent in educational purposes. Rs. 1,000 might be made available.	Boarding and educational expenses of students.	Ditto	Entry No. 45, statement C.
15	Mahomed Kabil Endowment.	Mahomed Kabil Chowdhury, 9th Assin 1283 B.S. (1876 A.D.)	Partly religious and partly educational.	„ 5,000	At present Rs. 312 are spent in educational purposes. About Rs. 600 might be made available for the same purpose.	Religious, charitable, and educational.	Arabic only is taught ...	Entry No. 42, ditto.

16	Kamaruddy Bhuah Endowment.	Kamaruddy Bhuah, 24th Srabon 1275 B.S. (1868 A.D.)	Primarily religious and partly educational.	,, 1,920	At present Rs. 200 are spent for religious instruction. Rs. 500 might be made available for that purpose.	Ditto ditto ...	Religious instruction Persian and Arabic.	
17	Munshi Mohummad Sami's Endowment.	Munshi Mohummed Sami, 6th Ashar 1274, (19th June 1867.)	For maintenance of musjid and priest, and also for education.	,, 267	Not known	Maintenance of musjid and priest, and teaching Muhammadan boys.	Arabic and Persian.	
19	Mohummed Manowar.	Mohummed Manowar, 1270 (1863 A.D.)	Religious and educational ...	,, 500	Rs. 300	Religious and educational	Ditto.	
19	Aminuddin Munshi's Endowment.	Aminuddin Munshi, 1285 B.S. (1878 A.D.)	Ditto ditto	,, 142	Nothing specially mentioned as to education.	Maintenance of musjid and instruction in Arabic and Persian to young boys.	Ditto.	
20	Afsaruddin's Endowment.	Afsaruddin *alias* Gurh Meah. 1285 B.S. (1878 A.D.)	Religious, charitable, and educational.	Unknown	Unmentioned	Religious and educational	Ditto.	
	Burdwan.							
21	Bohar Endowment	Syed Shah Jalaluddeen Tubrezi Ganjarawan Ganj Bakhsh; more than 600 years ago. About 642 Hijri; about 1229 A.D.	For the maintenance of a rouzah (mausoleum) and for education of students according to the hereditary manager's choice.	Rs. 16 000, being the annual income of perguunah Baish Hazari.	Rs. 2,000, viz., Rs. 1,500 on a madrassa and Rs. 500 on middle class anglo-vernacular school, both at Bohar, in thana Satgachia.	In accordance with the deed of foundation.	Persian and Arabic are taught in the madrassa, and English and Bengali in the school.	Entry No. 13, statement C.
22	Ber Endowment	Emperor Ferokh Shah, about the year 1717 A.D.	For the maintenance of a tomb.	Rs. 3,856, being the income of five villages which were given by the Emperor of Delhi as gift.	Rs. 540, *i.e.*, Rs. 420 on a madrassa and Rs. 120 on a patshala.	Charitable and educational; the personal expenses of the manager are also met from the proceeds of the endowment.	Not stated; but it appears that Persian is taught at the madrassa, and Bengali at the patshala.	Entry No. 14, statement C. Owing to disputes among the managers, a Government annual allowance of Rs. 321 has not been drawn from the treasury for years.
23	Khajiah Anwar Ber.	Emperor Ferokh Shah, about the year 1717 A.D.	Religious, charitable, and educational.	Rs. 600	Rs. 300 might, in the opinion of the Committee, be made available for educational purposes.	.....	.....	No use has been made of the endowment during the last two years owing to the attachment of the property by the Criminal Court.
24	Koosoomgram Khanka.	Either Moosheentulla or Mozaffer Hossein; date not known.	Ditto ditto	,, 10,000	At present about Rs. 2,400 are spent on education. The Collector thinks that Rs. 5,000 might be made available for the purpose.	Religious, charitable, and educational.	A school is maintained in which Arabic, Persian, and English are taught.	The matwalli has given no information.
25	Shah Hosseinpore *alias* Koong Khanka.	Zameeruddin Sircar, Kus-soo Bibi, Mohmoo Bibi, May 1862.	Ditto ditto	,, 500	Rs. 100. Rs. 200 might be made available for educational purposes.	Ditto ditto ..	Bengali and Persian are taught.	

No.	Name of endowment.	Name of founder and date of foundation.	Character of endowment.	Total income.	Income available for educational purposes.	Purposes to which the endowment is at present applied.	Character of education given by the endowment.	Remarks.
26	Moulvie Hamid Danish Mund's Khanka at Munglecote.	Shah Jehan, Emperor of Delhi, in 1647.	Religious, charitable, and educational.	Rs 5,000	Cannot exactly be said in the absence of the original *sanad*. But the greater portion of the income was formerly expended for educational purposes.	At present, owing to the negligence of the mutwallis, no expenditure is incurred for any purpose.	Arabic and Persian were taught.	
27	Burdwan Boro Bazar Khanka.	Shaikh Gomani; date not known.	Ditto ditto ...	,, 1,200	Rs. 50 spent on education. The Collector states that Rs. 300 might be made available for the purpose.	Religious, charitable, and educational	A patshala is maintained, and Bengali is taught.	
28	Bahadurpore Khanka.	Meer Koodrut Ali; date not known.	Ditto ditto .	,, 1,200	The Collector states that Rs 500 might be made available for educational purposes.	Nothing is done at present.		
29	Bhoonee Khanka	Dewan Janab Ali and others, date about 1253 B.S. (1846 A.D)	Ditto ditto ...	,, 250 .. .	The Collector states that Rs 100 might be made available for educational purposes.	At present nothing is spent by the mutwalli.		
30	Eklakhi ...	Shah Chand; founded about a century and a half ago.	Religious, and as is believed also educational.	,, 14,000 to Rs 16,000	Unknown	Maintenance of mosques and tombs, and private use of the manager.	No education given ..	Formerly a madrassa was maintained at a cost of about Rs. 2,000 to teach Persian and Arabic. The Collector considers that education was a principal object of the endowment, inferring this from the statements of villagers and of the husband of the lady who is hereditary manager. No written evidence was obtainable.
31	Baishazaree Khanka in Sobar	Sheikh Jalal; date not known.	Religious, charitable, and educational.	,, 22,000 ..	At present Rs. 2,400 are spent on education Rs 800 more might be made available for the purpose.	Religious, charitable, and educational.	An Anglo-Vernacular School is maintained, in which Arabic, Persian, and English are taught.	The mutwalli has given no information yet.
32	Kanteapota Khanka.	Dewan Janab Ali and others, date February 1839.	Ditto ditto .	,, 200	The Collector states that Rs 200 might be made available for educational purposes.	At present nothing is done.		
33	Gothista Khanka	Mahunnissa Bibi, date not known.	Ditto ditto .	,, 300	The Collector states that Rs 150 might be made available for educational purposes	Ditto ditto		
34	Kamarhatti Khanka.	Emdad Ali, date not known.	Ditto ditto .	,, 600	The Collector states that Rs 200 are available for educational purposes.	Religious, charitable, and educational.	Persian is taught.	
35	Mohunpore Khanka.	Gholam Rasool; date not known.	Ditto ditto ...	,, 2,000	The Collector states that Rs. 800 might be made available for educational purposes.	Ditto ditto	Ditto.	
36	Oregram Khanka	Shah Nujuf Ali; date not known.	Ditto ditto ...	,, 600 .. .	The Collector states that Rs 500 might be made available for educational purposes.	At present nothing is done.		

	Midnapore.							
37	Mian Bazar endowment.	Grant made by Emperor Alamgir; date not given.	Originally established for the purpose of meeting the expenses of "fakirs" and students of the madrassa, and the khanka and musjid of Mollah Dervesh Hossein.	Rs. 5,543, being the annual income of two mouzahs which constitute the endowed property.	Nothing spent on education.	Not given; but it is said that none of the objects of the endowment are fulfilled.	No education given.	
38	Pataspore, Topchibar or Topanbar endowment.	Grant made by Emperor of Delhi (Alamgir probably) to Moulvi Khoda Bukhsh of Balkh, the founder; date not given.	Maintenance of a madrassa, a musjid, and a serai. The students of the madrassa were also fed.	Rs. 2,500, being the annual income of 1,293 bighas 11 cottahs and 8 chittacks of land.	Not given separately	An upper primary muktab is maintained by the endowment.	Persian is taught. ...	The land attached to this endowment was assessed to revenue in resumption proceedings, but afterwards declared by Government to be rent-free, for the benefit of the musjid, madrassa, and serai.
39	Salipore ditto ...	Previous history not forthcoming.	Educational, *i.e.*, maintenance of a madrassa and a lower primary school; six students are also fed.	Rs. 1,378-6, being the annual income of 549 bighas 7 cottahs of land: also Rs. 275, the income of 200 bighas of land set apart for a madrassa and its students.	Rs. 186	A lower primary school maintained ...	Not mentioned.	
	Hooghly.							
40	Basuhatti ...	Uzirul Momalik Mansoor Khan Bahadur.	Primarily religious; charitable doles are given and a madrassa maintained.	Rs. 550	Rs. 48 are spent yearly on the madrassa as salary of moulvie; four pupils and a mouvie are maintained by the mutwalli; mutwalli distributes alms amongst the poor, entertains travellers, and observes all Muhammadan festivals.	Religious, charitable, and educational	Urdu and Persian are taught. No arithmetic and no other secular subject is taught.	
41	Pandooah ..	Harmat-un-Nesa Bibi, on 19th Bysak 1252 B. S., corresponding with 30th April 1845, written endowment; (2) Sadrun Nesa Bibi in 1267 B. S., 1860 A. D., oral endowment.	Charitable doles are given and a madrassa maintained.	,, 1,152-11-6 ...	Rs. 50 annually spent to keep the madrassa in repair, and Rs. 460 as salaries of mutwallis. Out of Rs. 600, pupils and mutwallis are maintained. Rs. 42-11-6 are spent on charitable doles.	Educational and charitable	Arabic and Persian are taught to enable the students to read the Koran. No arithmetic and no other secular subject is touched.	
	Shahabad.							
42	Sasseram Khanka	Emperor Farrukh Siar 1717 A.D; Emperor Shah Alum, 1763 A.D., and local officers. The property given by the second grant and by local officials was resumed by Government under Regulation II of 1819, but the right under the resumption decree was subsequently waived by Government.	For the maintenance of the Sasseram Khanka, the relief of travellers and visitors to a tomb.	,, 29,890 ...	Rs. 7,348, according to the budget provision of 1293 F.S.	(1). Allowance to Sujjadah Nashin and his family. (2). Religious ceremonies. (3). Madrassa and subscription to English school. (4). Subscription to charitable dispensary. (5). Charity.	The education given is in Arabic and Persian literature, science and theology. The madrassa was, on the 2nd February 1885, affiliated with the one at Calcutta, so far as relates to the examination of the pupils at the annual central examination.	Copies of the translation of the *firmans* of Emperors Furrukh Siar and Shah Alam are received. This foundation is the subject of an important suit recently decided by the High Court. Entries Nos. 19—25, statement C.
	BHAGULPORE.							
	Purneah.							
43	Mirza Mahomed Hossain's endowment.	Mirza Mahomed Hossain, 1865.	Charitable and educational, viz. serai for reception of travellers and an English school for the dissemination of English education in the town of Purneah.	About Rs. 1,257 ...	At present Rs. 636 are spent on the school establishment; besides this a certain amount is spent for prizes annually.	Maintaining the serai and for educational purposes.	English, Persian and Hindi.	

No.	Name of endowment.	Name of founder and da of foundation.	Character of endowment.	Total income.	Income available for educational purposes.	Purposes to which the endowment is at present applied.	Character of education given in the endowment.	Remarks.
	Monghyr.							
44	Khizer Chak ...	Munsh Gholam Ehya, on 11th April 1870.	For doles of charitable nature, support of madrassa, and maintenance of the heirs of the founder.	Rs. 3,000	Rs. 540	Religious, charitable, educational, as well as for the maintenance of the heirs of the founder. The share of the income to be given to education is specified in the *touliutnamah* as nine-fiftieths.	The terms of the foundation prescribe religious and Persian teaching.	Entry No. 26, statement C.
45	Bullia Kalan ...	It is reported that these khankas were founded in the Muhammadan period; the names of their founders and the dates of foundation are not known.	Ditto ditto ...	„ 10,000	Less than half of the amount is expended for educational and religious purposes, and the rest for maintenance of the members of the managers' families.	Religious, charitable, and educational	Both religious and secular subjects are taught.	
46	Bullia Khurd ...	Both of these are named Makhdoom Manuwar. The former is in the possession of Waizul Huq, and the latter in the possession of Shah Mozuffer, residents of those respective places.	.....	„ 250				
	Cuttack.							
47	Khairat Mahal, Nimaisapur.	Shaikh Kalimuddin, Mahomed Mazhar, and Noorannusa Bibi; 1249 A.D.	Charitable and educational There is no document.	„ 709-13-8 ...	Rs. 200	Charitable and educational	Free board and lodging are given to some boys, and contribution to grant-in-aid school.	
48	Takful Musjid, Bohar.	Munshi Rasool Bakhsh, 7th November 1881 A.D.	Ditto ditto ...	„ 679-13-0 ...	„ 100	Religious, charitable, and educational	A maktab is kept up, which teaches boys in Koran and Persian literature of a mere primary character; contribution to grant-in-aid schools, &c.	
	Bajshahye.							
49	Bagha Wakf Estate	Shah Mahomed Rafiq ...	The manager states that the endowment is private; that it was made by his ancestors; and that the *touliutnamah* having been lost, the object of the foundation cannot be ascertained.	The present gross collection of the *wakf* estate is about Rs. 16,600 annually.	Unknown	Maintenance of the mutwalli and his family; performance of religious rites in connection with the masjid; performance of ceremonies enjoined by the Koran; giving alms to the helpless and the poor, and the travellers and the fakirs; keeping up of establishments for the performance of these duties in madrassas; performance of certain ceremonies on the anniversaries of the days of death of ancestors, and the like.	Religious instruction given in a mosque.	
50	.....	Zamiruddin Chowdry of Ghugudanga in Dinagepore 1885 A. D.	For construction and maintenance of mosque, madrassa, Mosaferkhanah, mehmankhana, for beggars and travellers.	Rs. 50,000.... ...	At the discretion of the manager.	Recent endowment; the founder himself manages; no information as to expenditure.	No education given, as far as known.	Entry No. 35, statement C. The fact that this property had been constituted into an endowment was discovered only in the course of an examination of deeds registered.
51	Dost Mohamed Khan's endowment.	Dost Mohamed Khan ...	Three-fourths for personal use of the manager, who must be the founder's descendant; one-fourth for a mosque, food of beggars and students and other charities.	„ 2,916	At manager's discretion, but must be very small.	Not ascertained	Uncertain whether any education is given.	

9. The Collectors and Sub-Committees, from whose reports the above statement has been made out, represent very strongly the futility of expecting to obtain complete information under existing conditions. No previous attempt has been made in Bengal to ascertain even the number of endowments in these provinces, whether educational or of any other class, except as to the few brought under the operation of Regulation XIX of 1810, and the difficulties which attend an initial effort in this direction are notorious. It may be mentioned that the first systematic enquiry of the kind made in England, that conducted by Lord Brougham's Commission, was at work from the year 1818 to the year 1837, and its report was very imperfect in the end, many of the principal foundations altogether escaping notice. "It has happened to myself within the last few weeks," Sir Arthur Hobhouse observed in an address delivered in 1868 at Sion College, "to hear of two foundations, both of old date, which had previously escaped from all public record. One belonged to a considerable country town, and has an income of upwards of £1,000 a year. The other has its head-quarters in London, is conducted by very distinguished trustees, and possesses a capital stock exceeding £100,000, besides other property. You would have thought it impossible that foundations so rich and of so public a character should have been withdrawn from all inquiries: yet such is the fact." In Bengal there has been no Royal Commission exclusively engaged in the investigation for nineteen years, and exercising powers of inquisition conferred by the legislature; while the difficulties to be overcome in this country are in one respect greater, inasmuch as nearly all our Muhammadan endowments are in the hands of managers possessing an hereditary interest, with whose private property that of the foundation is very generally confounded. It is not, therefore, to be supposed that this Committee has attained even the incomplete success achieved in England.

The statement is not exhaustive.

10. As pointed out by one Collector, the omissions are probably most numerous among those endowments the Managers of which have altogether neglected to comply with a direction in the foundation deed to make provision for education. Where instruction of some kind is given, and in particular where a separate madrassa or school is maintained for the purpose, Muhummadan gentlemen consulted, and the officers of Government, have a clue to the information desired. But it is only in exceptional cases that they can be aware that the *touliutnamahs* of mosques, or other apparently religious institutions, provide for the instruction of students, if none have in fact been maintained within the memory of man. The Managers, who are generally the exclusive possessors of the desired information, are directly interested in concealing it, and, this consideration apart, they are as a class most reluctant to give any assistance whatever. Still less could the correspondents of the Committee expect to learn anything definite about endowment lands which have been entirely appropriated to private uses, as the present occupiers of these are naturally careful to conceal the malversation to which they owe the property held as their own. It may be said that in order to obtain complete information as to which of the existing endowments should make provision for education it would be necessary to compel the production of the title deeds of all lands attached to institutions apparently religious; while to ascertain accurately what lands of this class have been diverted to private uses nothing less would suffice than a survey and record of rights of the whole area of Bengal.

Direction in which deficiencies are to be sought.

11. The Committee, as has been noticed, desired to be furnished with a copy of the foundation deed of each endowment, or, if this could not be obtained, with a record of the statements made by competent witnesses as to its objects. In most cases it was impossible to comply with this request, but a certain number of the copies required have been forwarded, and these throw a clear light on the subject of our enquiry. Translations of ten selected deeds are printed in the Appendix, and the following statement gives a general view of the information received:—

Character of the endowments as shown by their deeds of foundation.

Statement C.

Extracts from the foundation deeds of mixed endowments.

Number.	Name and date of endowment.	Income.	Extract from *touliutnamah* showing the object of endowment.	Remarks.
	Presidency Division. *Moorshedabad.*			
1	Nazir Dost Mahomed Khan's endowment in 1167 Hijra or 1750 A.D.	Rs. 2,624-11-11, less cesses and collection charge, Rs. 1,968-11-11.	In these auspicious times the gracious and to-be-obeyed *firman* is issued to the effect following :— That Mouza Araviah, &c., in pergunnah Lashkarpore, &c., Sarkar Narangabad, &c., in the province of Bengal, the income whereof amounts to Rs. 1,080 are hereby, in lieu of the sum of Rs 3 per diem, granted for the expenses of matting, lighting, and establishment in connexion with the mosque and madrassa established by Dost Mahomed Khan at Lalbag, pergunnah Asudnagore Sarkar (illegible), and by way of *Madad-mash* of the Matwalli Bedar Ali and others, the persons in charge of the mosque, from generation to generation commencing from two-thirds of the rabi season of the year of *safal* as per details hereafter. All authorities, amlas, jagirdars, and crories, both of the present and future times, should have the aforesaid mouzas, &c., in their possession from generation to generation, and should never make any change and variation in respect of the same. They should never offer any opposition on the score of revenue dues and other charges, such as *Kalangah, Peshkash Jurimanah* (fines), *Zabatana, Mohasselana, Mohurrirana, Darogana, Begar, Shekar, Moquadami, Kanoongoi*, annual resumption, dispute as to cultivation, and all royal demands and civil liabilities. They should not demand fresh sanads every year. Should there be any other (document) elsewhere, no reliance should be placed thereon. Written out this 5th day of Ramzan, in the third year of the gracious reign. Total 9 mouzas; value Rs 1,080. For the expenses of the establishment for the mosque with matting, ligthing, service reading, &c. Re. 1 per day; yearly Rs. 360 For the expenses of madrassa Re. 1 a day; yearly Rs. 360. For *Madad-mash* (maintenance allowance) of Bedar Ali, Matwalli, son of Dost Mahomed Khan, Re. 1 a day; Rs. 360 yearly.	*Vide* No. 2, statement B.
2	Basant Ali Khan's endowment. February 1834 A.D.	Rs. 14,443-9-8, less revenue payable to Government and zemindars and collection charges, Rs. 9,080-11.	I execute this *wakf* of two-thirds of all my moveable and immoveable properties, fully detailed in the *wakf-namah*, for the mosque, *kadam sheriff* and *emambarah* at Begumgunge as an act of piety, and appoint Nawab *Bahu Begum Saheba* and Bahar Ali Khan Sahib, *nazir* of the *Dewri* of the said lady, as matwallis on my behalf. They shall apply the income thereof to the expenses of the mosque, the *kadam sheriff* and the emambarah. They shall continue to pay all allowances receivable by persons whose allowances in connection with the mosque have been previously fixed, and by other employés who have been my attendants from generation to generation in the male and female lines. They shall appropriate all the endowed properties above mentioned for the expenses alluded to above, subject to the authority of the officers of the Company's Government. They shall spend the remaining one-third of the properties on my funeral ceremonies, *fatiha, hujj, wazearut*, and for the *raddimazalem*, the feeding of the poor, and other purposes which may contribute to the benefit of my soul in the next world.	
3	Darab Ali Khan's endowment. August 1878 A.D.	Rs. 10,202-4-8½, inclusive of charges.	On my death the elder son of the Nawab Nazim shall be appointed as representative executor, and shall in my place become owner and possessor of all the properties, moveable and immoveable, with all rights which may be left by me on my death. He shall first meet my funeral expenses in a decent way, and the expenses of *fatihas* and make *hujj* and *zearut* for my benefit, and pay my debts left by me unpaid, and shall continue with the proceeds of Gaipara and Kuttepura to pay the salaries of the *mowazzen*, the *Khateeb* and the *farrash* of the mosque and the watchman and sweeper of the *mosaferkhannah* and *mehman sarai*, and the cost of the both *Eeds*, the daily lightings, the repairs of the *mosque* and *mehman sarai* in the usual	

Number	Name and date of endowment.	Income.	Extract from *touliutnamah* showing the object of endowment.	Remarks.
		Rs. A. P.	manner, and with the income of the zemindari mehals and the revenue-free and revenue-paying lands, he and his successors shall, after paying the revenue, perform *azzadari*, the *mujlis* of the *Mohurram*, the *mujlis* of *Shabi Karbala* at Amanigunj, the monthly *neaz* perpetually in the usual manner, and also repairs of *Azzakhana Shabiha Rouzah Karbala*, the dwelling-house and the grave-yard of the late Ambar Ali Khan in the usual manner. He shall also pay the monthly allowance of Rs. 20 to Meer Wali-ul-Jawad *alias* Meer Ali, who has been brought up by me; that he shall give support to my old servants by allowing salaries and pensions That he shall engage a reader of *Koran* to read *Koran* on the grave of the aforesaid Khan, and another reader on my grave. * * * * * * * After defraying all these expenses, the aforesaid executor shall appropriate the balance, and the remainder of the moveable and inmoveable properties, save and except those which are for the purpose of the expenses of Emambarah, according to his own wishes, and he shall apply the same to the expenses of the Emambarah. It is also provided that sale, gift and mortgage of the properties, zemindaries, revenue-free and revenue-paying lands which are endowed hereby shall never be valid.	
	Dacca Division.			
	Dacca.			
4	Rahman Bibi's endowment. 7th Agrahyan 1257 B S, or 22nd November 1851 A D.	160 0 0	An amount of Rs. 160 to be spent in *Ramzan*, the two *Eeds*, the *Fateha do-azdaham*, *Mohurrum*, and the *Shab-i-barat* towards charity, saving the poor and the hungry from the severe pains and tortures of thirst and hunger, and on the maintenance of students. * * * * * * During my lifetime I will spend a sum of Rs. 160 a year towards those acts. My successors can have no right in concerning themselves in my husband's spending as a matwalli the stipulated amount of Rs. 160 in performing such good and virtuous acts. My husband is vested with power of appointing one of my said successors, whom he might think competent and pious, as matwalli of the *wakf* property, and investing him with all the powers of appointing future matwalli among my successors, and performing the pious duties; and whoever of my successors as a matwalli will do improper and impious acts shall be set aside: another successor of my family shall be appointed in his stead. * * * None but my legitimate successors can be matwallis, and none can have the property of the *touliutnamah* as an inheritance * * * But any one of my successors as a matwalli shall have no pay relating to the *touliut*.	*Vide* No. 3, statement B.
5	Akhtaran nissa Khatoon's endowment, 8th Kartick 1273 B. S. or 1866 A. D.	500 0 0	A mosque which has been erected upon the resident house of my father Munshi Gholam Rasul Chowdari, deceased, a reservoir, appurtenances belonging thereto, a residence for the preacher and the crier, and a madrassa which is to be erected as a residence of students and teachers. It is an incumbent duty that the mosque shall be maintained. The students and teachers shall perform their daily prayers, as well as prayers on Friday, the two *Eeds*, and on the occasion of *Taravih*. That students shall receive only religious instruction in Muhammadanism. Whoever will be appointed a matwalli shall perform all such business, such as repairs of the mosque, &c., out of the proceeds of the endowed property. Expenses incurred in the purchase of lamps, oil, and mats and for performing *Khatam Taravih* and the salaries of the preacher, crier, teachers, and others, and other requisite expenses, shall be met in future from the proceeds of the endowed property. The rules with reference to expenditure to be framed from time to time by the trustees shall be brought into force. That an amount of not less than Rs. 5 shall be spent towards the support of the poor and helpless, and the guests and travellers. If the trustees refuse to act without remuneration, then an amount of not less than Rs. 10 a month shall be paid to them accordingly. The residue shall be applied in the performance of pious duties indicated in the deed.	*Vide* No. 4, statement B.

Number.	Name and date of endowment.	Income.	Extract from *touleutnamah* showing the object of endowment.	Remarks.
	Furreedpore.	Rs. A. P.		
6	Syed Ali Ashraf's endowment. 10th Ashim 1273 B.S. or 1866 A.D.	Revenue, Rs. 1,865 ans. 15 gs. 19.	I execute this *wakf* making over 14 annas of my property paying an annual revenue of Rs. 1,459-9-6, in hospitality, charity, doles, medicines, maintenance of school and mosque and other good and virtuous acts. My eldest son, Syed Mahomed Ali *alias* Meer Khyrati, is appointed a matwalli or trustee. He shall maintain the above-mentioned endowed property by paying off Government revenue, costs of suits and other actions that may arise, and expenses of collecting revenues, and devote the remainder in accomplishing the good ends stated above, or in any other act that he may think good and proper. He shall not in any way dispose of this property His sons and descendants after his death, and in their absence my second son and his descendants, and in their absence the most competent among the descendants of my daughter, shall successively be nominated trustee of this property, and perform his functions as such in the manner indicated above. But should there be nobody among my lineal descendants competent to fill such office, Government will take steps in appointing a trustee, who will also perform domestic business on a salary of Rs. 25 a month, with an allowance to be paid when deputed on business connected with the endowed property.	*Vide* No 7, statement B.
	Backergunge.			
7	Syyad Moazzum Hossain's endowment. 1284 B. S. or 1877 A. D.	The entire income of his zemindaries.	I execute for good this *wakf* by granting away the whole income of the properties marked (A) and (B) for pious acts, such as expenses in connection with the mosque and giving alms to the poor * * * in the following manner :— (1). That in my lifetime I shall either personally, or somebody elected by me, or any other person appointed by me after my death, shall perform the injunctions of this *touliutnamah*. That neither I nor any of my successors shall have any right of putting forward any objections against them, and that this property cannot by any way be disposed of by myself or by my successors, or in any manner disposed by any court of law for my or for my successor's debts. (2) and (3). * * * * * (4). That any matwalli to be appointed by me, or after my death, shall observe the injunctions laid down in the aforementioned deeds and herein, and those to be set hereafter. (5). That with regard to the property No. 3 of the property marked (B), it is settled that it will be a duty incumbent upon all future matwallis to apply the proceeds of that property (No. 3) to the support of the pucca musjid (mosque) located there. (6). That if the future matwallis in any way neglect to pay annual stipends, my children are hereby empowered to realize them by recourse to a court of law.	
	Mymensingh.			
8	Hybutnagar Madrassa, 1841 A.D.	1,200 0 0	That whatever proprietary interest I have in the aforesaid zemindari and talooks shall, after my death, devolve upon my son Dewan Elah Nawaz Khan, who, having possessed of the same, shall apply a fixed sum of Rs. 50 a month towards the support of the madrassa * * * * The allowance of Rs. 50 a month which has been set aside for the expense of madrassa is to be met from the estate to be possessed and enjoyed by Elah Nawaz and his descendants. The aforesaid Elah Nawaz is appointed as matwalli of the estate after my death, and the injunctions and rules laid down by him for the promotion of the madrassa should be observed in future. In the event of his being incapable of or disable to perform the *touliut*, a matwalli shall be nominated by him ; after his death the chief among the descendants of Elah Nawaz shall be appointed as matwalli, who shall regularly pay a monthly allowance of Rs. 50 a month towards the support of the madrassa, and that, whoever shall have the properties in his proprietary possession, will be liable to pay the allowance. Dewan Elah Nawaz Khan executed a subsequent *touliutnamah* assigning Rs. 600 annually for the madrassa in the following terms :— It is my intention that after my death a madrassa to teach the Koran be established in my house at a cost of Rs. 50 a month, in which the poor and helpless students	*Vide* No. 8, statement B.

Number.	Name and date of endowment.	Income.	Extract from *touleutnamah* showing the object of endowment.	Remarks.
		Rs. A. P.	will be able to read the Koran gratis, and that after my death the matwalli of the endowed property will be bound to do this. *Sanad bearing the seal of Shahamat Jung Nowazish Mahomed, Khan Bahadour, bearing date 15th day Rabi-us-Sani, in the 6th year of Jalus (reign) of Ahmad Shah.*	
	CHITTAGONG DIVISION. *Chittagong.*			
9	Meer Ehya endowment, 1729 A.D.	1,013 11 8	Whereas 60 drones of *Nehalshahi Kharij* jama land, exclusive of the property in pergunnah Syedpore, &c., are, as stated herein, fixed from before, according to *sanads*, by way of *madad-mash* (a royal grant for maintenance) of Meer Abdur Rasheed, deceased, and for the expenses of mosque, madrassa, students, faquirs, &c., and whereas the abovenamed Meer having cultivated the aforesaid land held and enjoyed possession of the same, and whereas after his death Meer Ehya, son of the late Meer aforenamed, has been holding and enjoying possession, now this grant of the aforesaid land is hereby confirmed as *madad-mash* of the said Meer Ehya, and for the expenses of mosque, madrassa, students, and faquirs. He shall apply the proceeds of the above land according to ancient practice, to his own expenses and to those of his children, and to the necessary expenses of mosque and madrassa referred to above, and to pray for our lengthened life in peace and prosperity.	*Vide* No. 9, statement B.
10	Satkania Mosque and Dargah.	43 0 0	Be it known to all concerned that Asaduddin, Saiduddin and Aftabuddin, sons of Sheikh Mahomed Shakir, Basir, and Waiz, sons of Sagir Riaz Khondokar, have applied that 6 drones and 4 homesteads, with Government pole, all revenue-free, exclusive of the property situated in the villages Kanchana, Sharhol, and Bardoorah, &c, has, according to the sanads of Nawab Shahamat Jung and other officers, as a donation for the maintenance of the mosque and dargah (shrine), been settled on us and our fathers, we accordingly beg that a sanad to that effect might be granted. This has come out as correct from the statements of the applicants. The said lands therefore are granted to the applicants in order to enable them to apply the produce to the mosque and dargah and to their own subsistence. *Copy of sanad given under the seal of Mr. (name unintelligible), 15th July 1766 A. D.*	
11	Shaikh Shahib's mosque, 15th July 1766 A.D.	1,306 0 0	Be it known to all concerned that Shaikh Mahomed Abdullah, brother of Shaik Abdur Rahman, has applied that he has for divine worship built a mosque, and that he is for want of sufficient funds unable to keep it up, begging that some land might be granted by Sirkar as alms for the support of the mosque, and as this has fully been proved as correct from a deposition of the applicant, it is declared that 17 drones, 5 kanis and 5 gundas of land by Government pole, situated in the village Andharmanic, pergunnah Rasulnagur, with a jama deducted from the jama of the whole pergunnah payable by talukdars, be as alms for the mosque fixed in the name of the applicant, who is to take possession of it accordingly, and expend its profits on the lighting of the mosque, on the keeping of an Imam, *khatib*, mowazzan, sweeper, &c., boarding place for travellers, and generally on the keeping up of the mosque in proper order and repairs. He is also to apply them to his own subsistence and to that of his dependants. He must pray for the everlasting wealth of the king, the image of God.	*Vide* No. 11, statement B.
12	Bayezid Bustami Mosque and Dargah. (Established in the sixth year of the reign of Furrukh Siyar.)	310 0 0	Be it known to all concerned that it has been brought to notice that a sacred *dargah* (shrine) of Bayezid Bustami is situated on the top of a hill, and that pilgrims and travellers often frequent this dargah, which is managed by Lall Darwesh as matwalli. This matwalli, for want of sufficient funds, cannot defray all necessary expenses; therefore, in consideration of the holy purposes and of the right, 12 drones of revenue-free lands by Government pole, situated in the villages Jellalabad, &c., of the said Sarkar, according to the description	

Number.	Name and date of endowment.	Income.	Extract from *touleutnamah* showing the object of endowment.	Remarks.
		Rs. a. p.	given below, which the Darwesh used to possess in the neighbourhood of the said dargah, are hereby fixed and declared to remain in the superintendence of the said Darwesh under the denomination of alms. All others, therefore, should leave this land to his exclusive use, in order to enable him to apply its produce to the purposes mentioned above, and to the subsistence of himself and his sons. He is to pray for long life and prosperity of the king, the image of God.	
	Burdwan Division.			
	Burdwan.			
13	Bohar Endowment. [Established more than 600 years.]	16,000 0 0	That pursuant to the order obeyed by the world diffusing rays like the sun, and rising up to the heaven, the post of the Superintendent of the holy Rouzah (Mausoleum) of the chief of chiefs, Hazrat Makhdoom Syed Jalal, as well as the *wakf* mahals which have been for a long time in possession of the blessed *Rouzah*, are conferred upon the most noble, great and eminent Syed Sadruddin, who shall from generation to generation, and from children to children, act as *matwalli* of the blessed Rouzah at Pandooah, and shall continue to hold possession, and to appropriate the profits of all the *wakf mahals*, including the forest and rivers of the aforesaid pergunnah, and all appurtenances and rights and interests included therein * * * * * * * * * * The duties of the matwalli are to appropriate the profits of the *wakf* property to the expenses for *urs* for giving light at the Mausoleum, for effecting additions and alterations in the edifices of the endowment, and for educating students in accordance with his choice. The matwalli shall keep himself engaged in praying day and night for perpetual prosperity * * *	*Vide* No. 21, statement B.
14	Ber Endowment. [Established by Emperor of Delhi (date not given).]	3,856 0 0	It is hereby ordained that mouzah Saidpore, &c., appertaining to the paradise-like province of Bengal, which has been since ancient time fixed for the expense of the tomb of Khaja Syad Anwar Shaheed, and Khaja Abul Kasim, the ancestors of Khan Dawran Khan, deceased, are granted as *altumgha inams* to the dependants of Ashruf Khan, grandson (son's son) of the aforesaid Khan, descendible to children for the expenses of the tomb aforesaid, without fixing any revenue and value, (but) making a remission, of *towfir* land from the middle of *rabi* season year after year as per order on the reverse * * * * * * * *	*Vide* No. 22, statement B.
	Hooghly.			
15	Bunsipore endowment.	The entire income of the property.	Be it known to all concerned that by virtue of previous Sanad, the entire mouzah Banpoor, out of the Amla pergunnah Sarkar, has been granted for the support of Shaikh Shamsul Arfan, who has presented himself, and whereas Shaikh Mujib Ullah Sardar, the support of greatness, has brought to the notice of His Excellency the Nawab that the said Shaikh is entitled to certain privileges; therefore with the advice of the well-wishers of the State, and by way of sacrifice for the sacred life of His Majesty, the entire said mouzah is allowed to continue in the possession and appropriation as before. The entire mouzah is to be left to the said Shaikh in all its integrity as heretofore, so that he may appropriate its proceeds to his support, and continue repeating prayers for the everlasting prosperity of His Majesty. No demand on any account is to be made, nor any fresh Sanad need be produced every year. His Majesty's order dated 21st Safar of the *Elahi* era.	
16	Gowherpore endowment.	Entire income of the endowed estate.	Be it known to all concerned that Shaikh Shamsul Asrifin, who is versed in divinity and in the spirit of the Muhammadan Law, and is Sajjadanashin of the tomb at Gowherpore, is entitled to certain indulgences, and whereas the distressed and the poor resort in large number to his *Khanka*, and he, with pure motives, supplies them with food, therefore the entire mouzah Gowherpore, Benipore, out of pergunnah Sahinpore, together with all its cultivated and uncultivated land,	

Number.	Name and date of endowment.	Income.	Extract from *toulcutnamah* showing the object of endowment.	Remarks.
		Rs. A. P.	inclusive of its entire area, is granted as formerly from the beginning of *karif* harvest by way of charity to secure the personal safety of His Majesty for the support of the aforesaid gentleman, so that the proceeds therefrom being devoted to the *maintenance of the poor and the students of the said shrine, the Sajjadanashin* may always engage himself in offering prayers for the everlasting prosperity of His Majesty, in giving and imparting instruction and in performing other virtuous deeds. The said mouzah being left to be appropriated by him, relieving him of all demands. Fresh Sanad need not be required to be produced by him every year. [Date not given.]	
	PATNA DIVISION. *Patna*			
17	Jafri Endowment. Hejri 1207 or 1793 A.D.	12,000 0. 0	I, Shaikh Gholam Ehya, make a grant of the entire *ayama* land situated in village Baila Khas, in the jurisdiction of pergunnah Ballia; the entire *ayama* land situated in village Ladipur Tetre in the jurisdiction of pergunnah Sandah; the entire village of Tareedpur Ahsna, in the jurisdiction of pergunnah Okri, within the suburbs of Government possessions and Soubah Behar, the land occupied by tenants behind the mosque erected by me, situated in mohulla Katra Lodi of Azimabad, four shops in the bazar with the land situated in the above mohulla having the boundary as given below: all these, which remained in my possession without any other shareholder up to the time of the grant, were granted for the charitable purposes of the poor travellers, comers, pupils, preachers, the criers (in a mosque who call the people to prayer), sweeper of the said mosque, without specifying any person; that all the proceeds be spent charitably, righteously and religiously, to defray the said expenses, as well as for the repairs of the said mosque and other works connected therewith. I shall during my lifetime remain trustee of the endowed property, and my personal necessary expenses are included in the above mentioned endowment. I also make the following endowment: that the entire villages of Ismailpur granted to me as pension for my maintenance, the entire villages of Chuck Darvesh *alias* Kemroura Chuck Keauwan with Ghat Ram Chuck, Chuck Hemid Gopai, and Chuck Sayadali mahal Altamgha (royal grant estates), in the jurisdiction of pergunnah Ghyaspur within the environs of Government possession, and Soubah Behar and Haveli, having the boundaries given below, be given in grant after my death for the charitable purposes as above described, and for the maintenance and repairs of the mosque. I appoint my wife, Mussammat Sanjida, daughter of Shaikh Faizullah, the trustee of the endowments after my death. She is also entitled to spend the money, dismiss and appoint servants. The said Mussammat will also come under the operation of the deed. She will take out from the income, money sufficient to meet her necessary expenses; the rest of the money she will spend in the maintenance and repairs of the said mosque, khankah of the mosque, and my tomb, which will be in the yard of the mosque; and to defray the salaries of the crier, preacher, sweeper, and the readers of the Koran that may be employed for the purification of my soul. I select Syad Enait Karim, son of Ali Ibrahim, son of Gholam Jafar, trustee of the said endowments, after the death of the said Mussammat. After his death one of his descendants, who will be the Sajjadanashin (the spiritual superior of a mosque or a religious endowment) of Ibrahim Jafar, be the trustee of the said endowment. The income will be spent on the following scale:—After the deduction of village expenses, the trustee will receive one-tenth of the income; the said Sayad Ali Azam, son of Sayad Ali Ibrahim, and his heirs, will receive 1/10th, Moulvi Ashraf Ali 1/10th, provided he resides and teaches boys in the khankah (abbey). Anand Singh, who is the old dependant, well-wisher, and is acquainted with all the works, will get 1/10th, if he manage the estates and keep their accounts, &c.; the remainder shall be spent every year in the maintenance and repairs of the	The Committee has reason to question the estimate made of the income of this endowment, and to consider it excessive.

Number.	Name and date of endowment,	Income,	Extract from *touleutnamah* showing the object of endowment.	Remarks.
		Rs. A. P.		
			mosque, khankah (abbey), and in my and my wife's tombs, for feeding at the annual fateha and other expenses as detailed above, and if any of these items be discontinued, the expense under that head be spent for the maintenance and repairs of the mosque, tomb, khankah (abbey), and to other matters connected therewith; and in case all these cease to exist, the whole of the income will be distributed to the poor.	
18	Natonal Endowment, 1853,	1,500 0 0	I, Moulvie Hamid Rasul, execute this touliutnamah, dated 27th August 1853, endowing certain landed property belonging to me for a mosque in mouzah Badhanpore Chanwar, pergunnah Sandah, zillah Patna. The income of the property shall be appropriated to the expenses of maintaining the mosque, of paying salaries of Khatib (priest) and servants of the mosque, and of distributing rations to travellers, mendicants, &c. During my lifetime, I shall be matwalli of the endowed property, and I appoint my three sons as matwallis after my death.	
	Shahabad.		*From the Emperor Farrokh Shah's firman dated in the fifth year of his reign.*	
19	Sasseram Khankah, 1762 A. D.	29,890 0 0	It is recorded that one lakh of dáms is granted from pergunnah Haveli, Sasseram, in the province of Behar, on account of the expenses of the khankah of Sheikh Kabir Darwesh as altamgha imam gift.	*Vide* No. 42, Statement B.
			From Shah Alam's firman.	
20	.....,	.....	In this auspicious hour the Imperial order (necessary to be obeyed) was passed that the pergunnah Sasseram, in the Soubah of Behar, two lakhs and eighty-one thousand dáms, the revenue of which amounts to Rs. 3,000, exempted of towfir, and whatever be raised on its jama by good improvement of culture and management, has been by the way of altamgha gift, from the commencement of the spring of *Peotial*, fixed and granted, in conformity with the contents to the holy saint, Shaikh Ziauddin, for the expense of warid sadirs travellers and comers.	
21	Ditto	Ditto ...	From a perwana granted by Fakhruddin Khan Bahadoor, dated the 2nd Shaban, 8th year of accession of Mahomed Shah. Know ye clerks of present and future affairs of pergunnah Sasseram Sirkar Rohtas in the province of Behar. Whereas the possessor of divine knowledge and mystery, Shah Khalilullah Durwesh, has got great expenses of the khanka and the fakirs and students and travellers and comers to defray, hence mouzah Khelungunge, appertaining to the said pergunnah, is granted as madadmash for the expense of the khanka and the adherents of the said Shah, under the sunnuds of former hakims. Now also that grant is allowed to remain in existence according to former practice.	
22	Ditto ...	Ditto ...	From a perwana granted by Nawab Fakhruddin Khan Bahadoor Fakhruddowla, dated 16th Shaban, in the 14th year of his accession. Know ye clerks of present and future affairs of pergunnah Sasseram Sirkar Rohtas in the province of Behar. That mouzah Dhodand, tuppa Mirzapore, &c., mouzahs in the pergunnah aforesaid, together with some land for "takia" and khanka, are granted on account of expenses of travellers and comers and the livelihood of the possessor of divine knowledge, Shah Khalilullah, the son of the leader to the true path and salvation, Shah Kabir, under the perwanas granted by the ancient administrators, by remission of foujdari nuzrana, beldari, &c., abwabs connected with nizamut as maaf (remission) grant. Now also, therefore, according to the former practice, remission is made on account of foujdari, nuzrana, beldari (illegible), and chuckladari &c., abwabs for 1139 Fusli as per particulars.	

Number.	Name and date of Endowment.	Income.	Extract from *toulentnamah* showing the object of endowment.	Remarks.
		Rs. A. P.		
23	Sasseram Khankah—*contd.*	Sasseram Khankah—*contd.*	From a perwana granted by Aliverdi Khan dated (15th year of the reign of Mahomed Shah). Know ye clerks of present and future affairs of pergunnah Sasseram Sirkar Rohtas in the province of Behar. Whereas mouzah Khelun Takia, appertaining to pergunnah aforesaid, is a grant made as madadmash and for the expenses of the khanka, the dependents of the possessor of divine knowledge, Shah Khalilullah Durwesh, and total remission is made of the foujdari and jotwali and salami items, and tunki and kurana, &c., charges to the takia aforesaid according to the sunnuds of the ancient Nazims, and according to the *furd* written by the kanoongoe of sudder (illegible). It is required that ye shall leave the said grant as is wont, in existence as per specification given (torn) year 1000 (torn).	
24	Ditto ...	Ditto ...	From a perwana granted by Abdur Rahim Khan, dated 14th Rajub, 4th year of accession. Know ye clerks of present and future affairs of pergunnah Sasseram Sirkar Rohtas in the province of Behar. Whereas the possessor of divine knowledge and mystery, Shah Khalilullah Durwesh, has the expenses of the khanka and the fakirs and students and numerous travellers and comers to defray, hence mouzah Khelungunge, belonging to the pergunnah aforesaid, is granted on account of the expenses of the khanka and the dependents and adherents of the aforesaid Shah, from the beginning of the kharif (autumnal) season of 1149 Fusli.	
25	Ditto ...	Ditto ...	From a perwana granted by Akidut Khan, 29th Rabi-ul-Awal, in the 4th year of the accession of Mahomed Shah. Know ye clerks of the present and future affairs of pergunnah Sasseram Sirkar Rohtas in the province of Behar. Whereas the possessor of divine knowledge and mystery, Shah Khalilullah Durwesh, has got the expenses of khanka and numerous fakirs and students and travellers and comers (to defray), therefore mouzah Khelungunge, appertaining to pergunnah aforesaid, is granted for the expenses of khanka and the dependents and connections of the Shah aforesaid, by the respectable and exalted Khan Abdur Rahim Khan.	
	Monghyr.			
26	Khizer Chak, 11th April 1870.	Total income Rs, 3,000. Income available for education Rs. 540.	I, Ghulam Yahiya, do hereby endow the whole and entire of mouzah Khizar Chak, &c. The income after paying Government revenue, *zemindari khazana*, shall be divided into fifty equal shares, out of which 50 shares, nine shall be spent on account of madrassa purposes, 11 on account of khankah purposes, two on account of alms and charity on holidays, four on account of building and repairing the houses, four on account of the allowance of my wife Mussammat Zarifan, four on account of the allowance of my daughter Mussammat Raziah, born of Saddiqua Aisha, seven on account of the allowance of my son, Myan Mahomed Ahsan, born of Saddiqua Aisha, and the remaining nine on account of remuneration of matwalli for his official duties. The madrassa in question will be called by the name of Khizer Chak Madrassa. It will remain there for ever, and in the madrassa Koran *Tafsir* (commentary on Koran), Hadis (sayings of the prophet), and Fiqah (religious tenets), Farayaz (indispensable religious duties) or other subjects will be taught in Arabic. Pamphlets containing religious instructions according to Hanifi tenets, stories and histories of prophets, of *Khulafai-rashidin*, of saints, and other ancient and modern virtuous persons, and other necessary reading and writing will be taught in Urdoo, using prevalent Persian character and in Persian also, provided the latter course be expedient for the interest benefit of the madrassa. In no other language or character shall instruction be given. A limited number of stipend-holding students and unlimited	*Vide* No 44, statement B.

Number.	Name and date of endowment.	Income.	Extract from *touliutnamah* showing the object of endowment.	Remarks.
		Rs. A. P.	number of ordinary students shall receive instruction gratuitously for the sake of God. Any student not liking the gratuitous system can, on the annual payment of any reasonable sum not less than Rs. 6, and not more than Rs. 60, study the abovementioned sciences and arts. I alienate from my possession a few copies of *Quarane Majid* and a good many books treating *Tafsir* and *Hadis* and other sciences in Arabic, Persian, and Urdoo languages. I endow the same books with the view that every one on application, with the permission of the *muddarris*, and under the surveillance of the librarian, will be allowed to read the said books at the madrassa or library on every day and at every time, excepting holidays and leisure hours; and the *matwalli* for the time being can allow him to copy in the madrassa the whole or a part of any book, if the matwalli in concert and consultation with the *muddarris* and other persons connected with the madrassa think it proper.	
	Orissa Division. *Cuttack.*			
27	Tahtul Musjid, Bohar, 7th November 1881 A. D.	Total income Rs. 679-13-0. Rs. 100 available for education.	After payment of Government revenue for the endowed property, three-fourths of whatever profits there may be left shall be spent in repairs of the musjid, with houses, in payment of salaries of the Mowazzen, Kari, and other servants, as well as of the establishment for making collections, in buying mustard-oil for lighting the musjid, in distributing breakfast to persons who fast during the month of Ramzan and rations to travellers, in giving pecuniary assistance to the necessitous and poor, to persons coming from distant places, and to widows, mendicants, and orphans either of Cuttack or Burdwan district, in causing prayers to be read during the days of Muharram for the souls of the deceased imams, and on the occasion of *Shabiharat* and the two *Eed* festivals, and in distributing sweetmeats on Fridays. The matwalli shall appropriate the remaining one-fourth of the profits of the endowed property to his own use, in consideration of his services. He should not turn away any beggars disappointed so long as it is in his power to give him something.	*Vide* No. 48, statement B.
	Rajshahye Division. *Rajshahye.*			
28	Dost Mahomed Khan's endowment. 5th July 1850.	2,912 6 4	I shall remain matwalli of the endowed property, and after me my son Mahomed Ali Khan shall be matwalli, and after him his male issue, generation after generation, whoever will be best and wisest. In the event of no issue of mine surviving, whoever may stand in the nearest tie of blood to the said matwalli, and at the same time be sensible and wise, shall be appointed matwalli. The proceeds of the aforesaid endowed property, after paying Government revenues and other necessary expenses, shall be devoted by me to purposes of charity and to pious objects, and also to my personal use; and, after my death, the proceeds thereof shall be apportioned into four shares, one share being for the salvation of my soul, devoted to the expenses of a mosque erected by me, and to the food of beggars and students pursuing religious education and to all other sorts of charity and good deeds, and three shares shall be allotted to the personal use of the matwalli.	*Vide* No. 51, statement B.
	Rajshahye.			
29	Mahomed Ali Khan's endowment. 5th November 1862.	16,972 12 4	I shall remain matwalli of the property, and after me one shall be matwalli of my endowment, as well as of the endowment of my father, dated the 22nd Asharh 1257 and the 19th Bhadra 1269 B.E. Of the proceeds of the aforesaid endowed property, I will pay month by month Rs. 325 to my father during his lifetime, and the rest shall be at my disposal, and after that, next to meeting the necessary expenses, the matwalli for the time being shall receive as salary 10 per cent. commission on the annual proceeds, and the remainder shall be distributed in equal shares among my male children, provided they continue in my faith and Islam. On the failure of male children, the male issues of my daughters shall succeed thereto, and failing them, the male issues of my sons' daughters, that is, whoever may settle down in my house, and the said male issues shall hold the same in due succession;	

Number.	Name and date of endowment.	Income.	Extract from *touliutnamah* showing the object of endowment.	Remarks.
		Rs. A. P.	and if there be only one male issue he shall receive the entire proceeds, and get four annas share thereof as his salary in the capacity of matwalli, and after paying the necessary expenses of the children, the rest shall be devoted to the salvation of my soul in the shape of charity.	
30	Mohsin Fund, Hooghly. 1213 B.S., or 1806 A.D.	1,12,072 0 0	Whereas I have no children or descendants or relations to succeed me as my legal or lineal heirs for the purpose of preserving entire the customary usages and charges of the pious works and ceremonies belonging to the celebration of religious rites and festivals of the faithful, which have always been observed by my family in all their generations, and which I propose to continue. The matwallis shall divide the surplus proceeds of the mehals aforesaid into nine shares, and first appropriate three shares thereof to the expenses of the religious observances for the great prophet and for the rest of his descendants, also for the 10 days' festival of the Mohurrum, and for all other appointed festivals, and for the repairs of the Emambarah and burial ground, and shall then appropriate two shares of the said nine shares to themselves in equal shares, for their own use and enjoyment, and four shares for maintaining the amlah or establishment, and the persons whose names are separately entered in a list signed and sealed by me, and in disposing of the pensions and allowances, whether daily pensioners, the better classes, peadahs or others who now stand nominated to receive allowances. The matwallis after me will exercise their discretion either to continue or discontinue them as they may think proper, and I have made over generally to these two persons the superintendency.	*Vide* No. 1, statement B.
	Hooghly.			
31	Sayed Mazuffer Hossain, Sayed Tajumul Hossain, Sayed Delawar Hossain, Sayed Azam Hossain, Mussamat Sayeedunnesa Bibi, and Mussamat Hasinunnesa Bibi's endowment. 12th May 1871.	Entire income of the endowed estates.	We endow all the properties enumerated in this *touliutnamah* to the purposes mentioned below, and lay down the detailed conditions concerning the affair of touliutship. I.—The matwallishiip for the endowed properties is entrusted to and assumed by us, Sayed Mazuffer Hossain, Sayed Tajumul Hossain, Syed Delawar Hossain, and Syed Azam Hossain. In case of inability or of death of any of the matwallis, his male issue generation after generation, without any dispute, and in case of there being no male issue, or on the death of the son of any matwali in the lifetime of his father without any male issue, such female issue of the said matwalli and of that son matwalli who may have married in the family of our four matwallis will be appointed matwalli, and will be representative of their touliut interest. II.—All the proceeds of the endowed *mehals* and lands, after payment of Government dues, zemindar's rent, and the cost of management, will be divided into five parts,—one part will be employed in defraying expenses in connection with mosque, in teaching the students in religion, science and Persian, in preparing breakfast and food during *Ramzan shareef* and other days, in maintaining the widows of the family, &c., in taking care of orphans, travellers, beggars and distressed persons; the remaining four parts, and the whole proceeds of tanks, ditches, trees, orchards, and the lands, &c., in the khas possession or joint *bhag jote* will be appropriated by the matwallis personally as their remuneration for their toulent service. III.—No matwalli will have the power to sell, endow, or transfer, mortgage and misappropriate the said properties, nor will they be liable to sale on account of any one's personal debt, nor the claim of inheritance will be valid. On proof of misappropriation or non-compliance with any of the conditions of this *touliutnamah* on any one's part, he will be dismissed from touliutship. Also in case any of the matwallis be guilty of any great sin, or of what is prohibited by *Sharah*, or change his Muhammadan appearance, or get interest, or fail to be dutiful to his parents as enjoined by *Sharah*, will remain deprived of touliut interest until his return to the path of righteousness; and his mother will remain for her life as his substitute. IV.—The matwallis shall, in concert with other matwallis, appoint one whom they may think fit as *darmadar* (one having absolute power) for the realiza-	

Number.	Name and date of endowment.	Income.	Extract from *touliutnamah* showing the object of endowment.	Remarks.
			tion of the rent of the endowed mehals and as surbarah (Superintendent) of the expenses in connection with the endowment and for the payment of the sudder malgoozaree. V and VI.— * * * * * * * * VII.—In case any matwalli turn out to be dishonest, or under the terms of this deed of *touliutnamah* be debarred from the appointment of matwalliship, the rest of the matwallis will have power to dispossess him, stopping his fixed share. Should dishonesty or other cause for their being kept out from matwalliship come to notice on the part of all the matwallis, it is hoped that the gentries and officers of this province will dispossess all of them, and appoint under this *touliutnamah* a deserving person from our family. Dated Friday, the 12th May 1871, corresponding with 30th Boisakh 1278 Bangla.	
32	Mussammat Sajidunnissa Bibi's endowment. 5th Aghan 1252 B S., or 19th November 1845.	The income of the entire estates.	I, Mussammat Sajidunnissa Bibi, daughter of Miyan Najmussadut, and wife of Syid Tafazzal Husain, deceased, resident of Bher Bhara, pergunnah Balea, zillah Hooghly, in a state of sound health and mind endow the whole and entire properties mentioned in the deed for the purpose that *azan* (calling to prayer) and prayers be said; that expenditure on account of the tuition of students, travellers, relations, and poor persons be met therefrom; and I retain the said properties in my possession for the sake of God, releasing them entirely from all claims prejudicial to endowment, alienating them from my possession, and I assume myself the management of the touliutship as an incumbent duty under *shara* so long as I remain in health and in the enjoyment of my senses. After me, and in case of my inability for the office, I impose, under the conditions detailed below, the duty of touliutship upon my four sons— I.—That out of the proceeds of the endowed properties, Collectorate revenue due on account of the said mehals and lands be paid in the Collectorate, and the salaries of gomastas and employes of the endowed mehals as usual be paid. II.—That out of the proceeds of the endowed properties to the extent they may allow, proper places for saying prayers, for accommodating travellers be prepared. III.—On my death the surplus cash that may remain unspent out of the proceeds of the endowed mehals, after defraying my funeral expenses, be devoted to charitable purposes for the benefit of my soul and that of my deceased husband. IV.—That out of the proceeds and fruits, &c., taking them as made up of 16 annas, 2 annas be appropriated by each of the said four matwallis, i.e., in all 8 annas, as remuneration for the service of touliutship, and the remaining 8 annas be employed in good works for the sake of God, and defraying expenses on account of relations, place of prayers, tuition of students, travellers, and poor and distressed persons. V and VI.— * * * * VII.—That no one shall sell, transfer, or give in gift at all the endowed property. VIII, IX, X.— * * * * * * * XI.—That each of my four sons, their male children, and the sons of these children, shall be matwalli, generation after generation, without interruption. The remuneration for the service of touliutship to each of my four sons, which is 2 annas, shall devolve to the persons entitled to their share, under the conditions herein recorded. Should there be no male issue to any of the matwallis, his share of remuneration for touliutship will go to his wife for her life, provided she resides within the premises of the house called Khanabari or near about it. Should she not so reside, or should there be no wife to the matwalli, his share of remuneration for touliutship shall go to the daughters or to any one of the daughters who may reside in the said house, and to her male issues or to their sons, and in their absence to female issues and to their sons, who, under the conditions mentioned above, may reside in the said house without being debarred. Should any matwalli die childless, or leave no wife surviving him (which God forbid), and when there is no brother or no brother's children, &c., who may be heirs, born of my children or children's children, the management of	

Number.	Name and date of endowment.	Income.	Extract from *touliutnamah* showing the object of endowment.	Remarks.
			the touliutship and the remuneration for their touliutship will devolve to the persons nearest to the deceased, who may take up his or her abode in the said house. Be it known that, excepting my children or children's children, or their wives, no other will inherit the touliut affair. XII.—Should any matwalli fail to manage the touliut affair, he will not have the power to claim his remuneration for touliutship from other matwallis. He will get such remuneration from the date he assumed the management of the touliut affair. XIII.—That every one of the matwallis shall have the power, for the good management of the touliut affair, to protect the endowed mehals and to continue giving charities. XIV.—The matwallis, shall, in their lifetime, have power to appoint any one matwalli in their stead, subject to the conditions aforesaid. XV.—Should any matwalli be guilty of utter embezzlement, and on that matter being proved in the eye of *Shara* (Muhammadan law), or should he sell, give in gift fraudulently, under plea and pretence transfer a *biswa* of the endowed properties, such doings will be invalid, and he shall be dismissed and till his life his remuneration for the management of touliutship will be enjoyed by other matwallis; and on the death of the dismissed matwalli, his children and his children's children, and his wife, shall, in the manner detailed above, take up his place as matwalli, and manage its affairs, and receive remuneration therefor. Dated 5th Aghan 1252, Bangla, corresponding with 19th November 1845.	
33	Mussammat Karamutunnissa Bibi's endowment. 19th Bysack 1252 B.S. or 30th April 1845 A.D. *Jessore.*	Entire income of the endowed properties.	I, Mussammat Karamatunnissa Bibi, daughter of Munshi Shekh Moizuddin, and wife of Munshi Shekh Mahomed Sadi, deceased, resident of mohulla Bakhshi, one of the quarters of Qasba, pergunnah Panduah, zillah Hooghly, in a state of sound health and mind, endow the whole and entire of the properties mentioned in the deed for charitable purposes, *i.e.*, for building a madrassa, maintaining students, appointing teachers for imparting instruction in *faqah* (religious rules) and *faraiz* (religious duties) with free will and full consent. I say I endow the same for the sake of God, with the exception of Rs. 240 Company's coin a year, reserved for my personal expenses, which sum too after my death will go to the endowed estate in order that the same be employed in defraying expenses on account of madrassa and moulavies. The matwallis appointed by me shall, after paying sadar malguzari and defraying expenses on account of gomashtas, &c., in respect of endowed properties, take out of the balance money, their touliut remuneration at the rate of Rs. 10 a month each, and shall employ the rest honestly and with rectitude in repair of the *havili* houses, and in defraying expenses on account of madrassa, teachers and students. Dated 22nd Rubiassani 1261 Hijri, corresponding to 19th Boisakh 1252 Bangla, corresponding with 30th April 1845.	
34	Gholam Sharaf's endowment. 10th August 1841 A.D. *Dinagepore.*	Half of the profits of the endowed property.	I, Golam Sharaf of Shaikhpur, execute a *wakfnamah* of my moveable and immoveable properties consisting of homesteads, dwelling-houses, rent-paying and rent-free lands, and taluks in the districts of Jessore and 24-Pergunnahs. I enjoin that a moiety of the profits of the endowed properties shall be appropriated to the expenses in connection with my mosque, one-fourth to the maintenance of my grand-daughter, Mussammat Jamila Khatoon *alias* Dhon Bibi, and her children, from generation to generation, and the remaining one-fourth to the maintenance of my daughter, Mussammat Badronnissa Bibi, and her children, how low soever with reversion to the poor. I appoint my wife, Mussamut Luchima Bibi, as matwalli of the endowed property.	
35	Zamiruddin Chowdhari's endowment, 1885 A.D.	Rs. 50,000.	I, Zamiruddin Chowdhari of Ghogudanga, execute a *wakfnamah* of my property valued at Rs. 49,989. It consists of taluks in the districts of Dinagepore and Pubna. I enjoin that the profits of the endowed	*Vide* entry No. 50, statement B.

Number.	Name and date of endowment.	Income.	Extract from *toulentnamah* showing the object of endowment.	Remarks.
			property shall be applied to the repair, construction, and maintenance, as the case may be, of mosque, madrassa, *mosaferkhana, mehmankhana, &c.*, and to the distribution of daily rations to the poor and beggars, and to the entertainment of travellers. I shall during my lifetime remain as matwalli of the endowed property, and on my death my two wives, Mussammats Kamrannissa Chowdharani and Nirmoninnissa Chowdharani, shall act as matwallis.	
	Pubna.			
36	Rahimuddin Chowdhari's endowment. 11th Bhadra 1227 B.S. (or 25th August 1820 A.D).	Entire income of the estate paying Government revenue Rs. 1,762.	I, Rahimuddin Chowdhari, of Kasba Rahimabad *alias* Dulai, Pubna district, execute this day, the 11th Bhadra 1227 B.S., in favor of my son, Fukhruddin Mahomed Ahsan, a *hebanamah* to the following effect:— Of my zemindaries I executed a *hebanamah* of tuppa, Amadpur, &c., in favor of my wife, Mussammat Serajunnissa Chowdharani, for her dower, and delivered the possession thereof to her. I make a *heba* of Teghri Batiabahu, and other mehals, &c, in favour of my abovenamed son, who shall pay Government revenue and enjoy the mehals from generation to generation. Should there be a brother to him be born, he shall have a moiety of the mehals, &c., and no one else shall have any right thereto. I make a *heba* of the land with the dwelling-house thereon lying on the south of the mosque and mouzah Lamkan and other mehals in favour of Sadruddin Ahmed Chowdhari, a son of mine born of another wife. He shall pay Government revenue and enjoy the possession of the properties from generation to generation. I make a *heba* of Esufnagar, &c, in favour of my daughters, Mussammats Omdatonnissa and Ashrafonnissa. I also make a *wakf* of mehals Joarpukhria, Sinduria, and Baragaon, paying Government revenue of Rs. 1,762-2-13-3, together with the *khankahari* tank on the south of the mosque, *dalan* on the north of the tank, *dalan* at the sudder *durwaza*, and rent-free lands, &c., for the mosque. I appoint my above named son as matwalli of the *wakf* property, who shall take Rs. 30 per mensem from the income of the endowed property as remuneration, and shall defray with the balance the expenses of the mosque and the madrassa.	
37	Touliut namah executed by Fukhruddin Muhammad Ahsan. 3rd Jaishta 1273 B. S. or 16th May 1866 A.D.	One-fourth of the income of the property.	I, Fukhruddin Muhammad Ahsan, of Dalai, execute this day, the 3rd Jaishta 1273 B S, a *wakfnamah* of my property, paying Government revenue of Rs. 11,105-13-6 for the mosque at Dulai constructed by my father. I appoint myself as mutwalli of the endowed property.	
38	11th Bhadra 1273 B.S. or 26th August 1866 A. D.		I, Fukhruddin Muhammad Ahsan Chowdhari, execute a *wakfnamah* this day, the 11th Bhadra 1273 B S. I appoint myself as matwalli for life, and enjoin that the profits of the endowed property, consisting of taluks, &c, in the districts of Pubna and Rajshahye, shall be divided into four parts, one of which shall be applied to the expenses of the *shebayet* and payment of salaries of servants of the establishment, &c; two shall be distributed among my heirs according to the law of inheritance; and the remaining one shall be given to the poor for the benefit of my soul. No act of the matwalli, who may be appointed after me, shall be valid, if it is calculated to injure the *wakf* property.	
	Burdwan.			
39	Mahomed Mohiuddin Alamgir Badshah Ghazi's endowment.	The entire income of the property endowed.	Whereas it has been brought to the notice of His Majesty the Emperor Mahomed Mohiuddin Alamgir Badshah Ghazi that taluq Hukkani of Bishpore and Masumpore villages, pergunnahs Sang, Sarkar Gopalparah, Soubah Orissa, have been granted for the support of the musjid of Mullah Durvesh Husain to meet the expenses on account of beggars, students, madrassa, sciences, and the khankah; and whereas the abovementioned mullah entertains hope from His Majesty's benevolence and charity, therefore the orders, commanding the obedience of the world, and inevitably obeyed, have issued to the effect that the said villages, with a fixed revenue of 15,800 dáms, be allowed from *Yunat Bal* of Kharif to continue as heretofore for his support, subject to the condition of possession and use that he may devote the proceeds thereof to the support of students, the musjid and madrassa Dated 10th Rajab, 21st year of the reign of the Emperor.	

Number.	Name and date of endowment.	Income.	Extract from *touleutnamah* showing the object of endowment.	Remarks.
40	Mussammat Ajibunnissa Bibi's endowment. 29th Fagun 1251 or 11th March 1845.	The entire income of the property endowed.	With the view of gaining good of the next world, I endow with my free will and of my own accord my share of the said lots and villages situated in districts Dinagepore and Burdwan with the following details, and make over the proprietary of the said properties to the real and true proprietor, God. I make over the endowed properties under the possession of *Kahi* musjid built near my residence in mouza Shamsher; and I take upon myself for my lifetime the matwallishp of the said endowed properties for the good and benefit of the said musjid. I propose and provide the matwalliship upon my death for Moulvi Sayud Zahir Ata, resident of mouza Karas * * * * The proceeds of the endowed properties shall be utilized in the following manner :—To build the musjid *pukka* with bricks. If it will be made during my lifetime, so much the better; otherwise the succeeding matwalli will have to complete it. It will be the duty of the matwalli after me to repair the said musjid, and to bring together ten students for sweeping it, for calling for prayer (Azan), and for living in the said musjid; and to appoint some honest and upright person for their (the students') instruction, and to pay for the stipends and food of them; to accommodate the students and to give oil at the rate of one chittack a day for lighting the musjid; to supply carpets for saying their prayers upon (Jai-namaz); and to supply other necessaries for the musjid. The matwalli is allowed to bring to his own use the remainder of the net profits after defraying all the abovementioned expenses. If the matwalli himself be competent to give instruction to the students, and take the responsibility of teaching upon himself, in that case it will not be necessary to engage another man for their instruction.	
	Midnapore.			
41	Moulvi Shahabuddin's Madrassa.	The entire income of the property endowed.	Be it known to all concerned that it has been made out that a piece of waste land, kharij-jamah, measuring 32 bati bighas biswas, has been since remote period conferred as an endowment towards the support of, and to meet the expenses of, the musjid and madrassa of Moulvi Shahabuddin. It appears that the aforementioned lands, in conformity with the former practice, have been in possession of, and enjoyed by, Mulla Noorul Haq. Therefore the aforementioned lands, which have since remote period been in the possession of, and enjoyed by, Mulla Fazl-ul Haq, &c., sons of Mulla Nooral Haq, the deceased, should be dealt with as still continuing in his possession without the participation of any other. Therefore the abovementioned lands, in conformity with old practice, should be considered as continuing in possession of, and conferred on, Sayed Mulla Fazl-ul Haq, and should be left in his possession; so that, while using their income to the said purpose, he may devote himself to offer prayers for the eternal prosperity of His Majesty the Emperor Written on 29th of Rajab in the 6th year of the reign.	
	Noakholly.	Rs.		
42	Mahammad Kabil Endowment.	5,000	I, Mahammad Kabil Chowdhury of Chandpur, pergunnah Bhulua, zillah Noakholly, make this endowment for the performance and continuance of the regular work of the *pukka* musjid built by me in front of my own house, of the newly-established madrissa in my house, of feeding travellers, &c., and of the *pukka* musjid which I have built in front of the house of the deceased Maulana Imamuddin Saheb in Sadullapur, and of the neglected musjid within my estate, and for giving life-long maintenance to those among my daughters who may be reduced to a destitute condition, and for the performance of good works for the welfare in the next world of me and the members of my family I appoint my sons, Munshi Mahammad Monwar Ali Chowdhury and Munshi Mahammad Mozuffur Ali Chowdhury, mutwallis. The mutwallis will employ in the *pukka* musjid in my house one muazzin well able to read and to teach the great Koran, to correctly recite the *azan* (call to prayer), and to sweep the said musjid day and night. The mutwallis will cause the said works to be performed by paying him a monthly salary together with food expenses, and by paying every year the lighting	*Vide* entry No. 15, statement B.

Number.	Name and date of endowment.	Income.	Extract from *touleutnamah* showing the object of endowment.	Remarks.
		Rs.	and bedding expenses of the said musjid; and if repairs be necessary, they will preserve the musjid by executing timely repairs. The mutwallis will engage seven students and one moulvi well able to read and to teach Arabic and Persian and the Muhammadan law of inheritance and other Muhammadan laws and grammar and logic, &c., in the madrissa which I am constructing at my house, and to perform the daily *namaz* and the *Friday namaz*, and to do an Imam's work on the occasion of the *Eed* and the *Buckreed* in the musjid at my house. The mutwallis will pay that Moulvi's salary every year at the rate of Rs. 12 per mensem, and the diet expenses of the seven students every year at the rate of Rs. 2 per mensem for each student, amounting to Rs. 14 a month for the seven students, and they shall receive accordingly. The mutwallis will cause the regular work of the said *pukka* musjid at Sadullapur to be performed by keeping employed the Imam and the muazzin thereof, and will maintain the musjid by providing for the recitation of the *azan* (call to prayer), for lighting, for sweeping, and for the execution of such repairs as may be needed. For the spiritual welfare of me and my ancestors, the mutwallis will every year send money for the performance of vicarious pilgrimages to the Caaba and to Medina, and for doing pious acts in the name of God. The mutwallis will pay the expenses of the travellers, &c., at my house, that is to say, will pay expenses for the maintenance of the Pirs, spiritual teachers and faqirs, sojourners, and relations and tenants and other persons of every description who may come. To those among my daughters who may be reduced to a destitute condition, the mutwallis will give proper maintenance for life. * * * * If any mutwalli dies or resigns his post in consequence of old age, illness or incapacity, "whichever among his own sons, or, if he have no sons, among my daughters, is considered to be fit and competent and religious," shall be appointed mutwalli. If the two mutwallis suddenly die one after another and have not time to appoint in their respective offices such among their respective sons, and in default thereof among the sons of the daughters, and in default thereof among the nearest sons born of their own families as they may consider fit and competent and religious, then upon the application of those sons, the executive officers of Government, by an agent, will appoint them to the said posts after considering their claims With this exception, Government shall have no other powers or concern. * * * * I am not myself indebted or liable to any person. The *waqf* property will not be liable to be sold by auction for the debts of any of my heirs or of the mutwallis, or of the moulvi or muazzin of the musjids. I execute this *waqfnama* for the purpose of pious and religious acts, and Government will not be able to interfere with it. Dated 9th Assin 1283 B.S., corresponding with 1876 A.D.	
43	Taluk Dullub Roy, pergunnah Joynagore. Dated 9th Assin 1283 B.S., corresponding with 1876 A. D.	10,000	I, Sabir Khan, present resident of Sudharam, zillah Noakholly, constitute the Shikimi taluq Karpura, mentioned in schedule "क" *waqf* in God's name for all time, that is to say, I have a *pukka Khanahari* (dwelling-house) at Sudharam, attached to which is an old musjid which I have repaired. In connection therewith, I have founded a madrassa for the study of Persian and Arabic and the vernacular learning of the Mussulmans, and sojourners from distant places are supported there, for defraying expenses on these accounts, and as a moulvi will be permanently retained for giving vernacular instruction at my own house at Azipur, in zilla Dacca, and for giving food and alms to all who shall come to that house from distant places, I make *waqf* of the property "क." It will not be sold by auction for the debts of anybody else, except for its sudder jumma, and it will not be alienated in any other way. And I make *waqf* of the zamidari and taluqs marked "ख" in behalf of my three sons (gives their names) and two daughters (gives their names), for their sons, grandsons and others in	*Vide* entry No. 13, statement B.

Number	Name of Endowment.	Income.	Extract from *touleetnamah* showing the object of endowment.	Remarks.
		Rs.	accordance with the precepts of Muhammadan law. They and their sons, grandsons, and other heirs in succession will enjoy the income of the said property marked "ক." If upon the death of the aforesaid sons and daughters, no one remains in their lines, the property marked "ক" will become *waqf* like the endowed (*waqf*) property marked "ক", and from the income thereof the expenses of the abovenamed musjid, madrissa, &c, will be defrayed. My heirs shall have no power to alienate in any way the endowed (*waqf*) property marked "ক", and be it known that, except for debts accruing on account of Government revenue and zemindars' rents, the said mehal will not be liable to be sold by auction on account of the debts of any other person. From the property marked "ক", each son will get Rs. 100 a month, making Rs. 3,600 for all three sons in a year, and each daughter will get Rs. 50 a month, making Rs. 1,200 for the two daughters in a year; and that, if "anyone among them dies childless, his or her allowance will be divided according to the Muhammadan law and will go to the heirs. But the said sons and daughters shall not be able to alienate the fixed allowances What will remain as surplus after paying the aforesaid allowances from the income of the property marked "ক", will be included in the *waqf* (or endowment) of the property marked "ক". From the income of the property "ক" after payment of sudder jumma, collection charges, &c., will be defrayed the lighting expenses of the said musjid and the expenses of repairing the endowed dwelling-house, musjid, and *pukka haveli* at Sudharam, and at the said place one qualified moulvi, well able to read and to teach the great Koran, and to teach Persian and Arabic learning to learners, and to regularly read the daily *namaz*, the *Eed* and *Buckreed namaz* and the Friday *namaz*, and a *muazzin* and ten students will be entertained in the said madrissa, and their allowances and the expenses of sojourners from distant places shall be paid. Besides this, to my sister's son Tahiruddin, who is very poor indeed, and to his sons, grandsons and others in succession, Rs. 84 will be given every year, at the rate of Rs. 7 per month. God forbid! if his line becomes extinct, that allowance will be included in the *waqf* property marked "ক" I constitute myself matwalli for all my lifetime with only such interruption as may be occasioned by my leaving home for any other country, during which my three sons will be matwallis on a monthly salary of Rs. 60 each. Upon my death my three sons will become matwalis on Rs. 60 a month each. If any one of the three sons dies or takes to some other occupation, the two surviving sons will get full charge of the matwalliship, and if there be any sons of the deceased son, the eldest among them will get his father's allowance, and become a matwalli along with his uncles. Dated the 24th Assin 1273 B.S., corresponding with 9th October 1866 A.D.	
44	Pana Mian Endowment. Dated 15th Bysak 1276 B.S., corresponding with April 1869.	307	For the purpose of establishing a school permanently in front of our house in the village of chur Matna, appertaining to this zilla Bhulua, and for defraying the cost of giving instruction to the students who may desire to obtain instruction in Arabic and Persian and Bengali, &c., I, Mahammad Pana Mian, and I, Meher Jan Banu, we of our own individual will make a gift of two taluks, the proper value of which is Rs. 1,000, to the British Government in India on behalf of Her Majesty Queen Victoria, and state that having, after establishing a school at the said place, become in every respect owner of the said lands, Government will, with the fixed amount paid by us, and the surplus income which will remain after paying the sudder malguzari out of the rents collected in accordance with the provisions of the law, defray the expenses relating to the school at the aforesaid place, and our and our heirs' rights therein are relinquished. But Government will not be able to spend that money for any other purpose except defraying the expenses of the said school. During the lifetime of me, Mahammad Pana, the *sarbaraka* in respect of the said lands shall be under my control. I, Mahammad Pana, shall pay Rs. 240 per annum, at the rate of Rs. 20 per month, and I shall, without making any objection, deliver the said sum of Rs. 20	

Number	Name of Endowment.	Income.	Extract from *touleutnamah* showing the object of endowment.	Remarks.
		Rs.	per month within the first week of every month. If I fail to deliver, Government will have the power to appoint another sarbarakar, and to recover from me, in accordance with the law, the amount due for the period for which payment may not have been made by me. And when I, Mahammad Pana Mian, am dead, the said lands shall come under the control of Government itself, and Government will pay the entire income therefrom towards defraying the expenses relating to the said school. Dated 1st Falgun 1273 B.S., corresponding with 12th February 1867 A.D. There is in the village in which I reside a school bearing my name. It has no regular place for it. Therefore, for the construction of a permanent school-house, I, Mahammad Pana Mian, make a gift to the British Indian Government on behalf of Her Majesty Queen Victoria, of 1 gunda 2 kags 7 tils of land in my taluq in zilla Noakhally, valued at Rs. 25. Constructing a house for that school at that place, Government will in all respects become owner of the said land, and my and my heirs' rights therein are relinquished, and I shall in no way claim rent for it. Dated 15th Baisakh 1276 B.S., corresponding with April 1869.	
45	Munwar Miah Endowment. Dated 25th Bysak 1284 B.S., corresponding with 1877 A.D.	1,500	I, Munwar Miah of Kerwa, pergunnah Bhulua, zilla Noakhally, endow property mentioned in schedule I for paying the necessary expenses of the *pukka* musjid built by me in my own place of residence in mouzah Kerwa, and of the second *pukka* musjid built by me on the south of Munshir Hât in my ancestral village of Charmatua, in which musjids the Friday *namaz* and the daily *namaz* and the *khatam toravih* and the *toravih* in the sacred month of Ramzan are always performed, and during the Ramzan, travellers, sojourners and all others that arrive are allowed food for breaking their fast, and in the one thereof, which is in my own house, there are some students, and in both of which two Imams are employed and sojourners and travellers from this and other parts of the country are received, and especially in the view that poor relatives and helpless widows in the neighbourhood may receive some alms (in the name of God). The property mentioned in schedule II shall be enjoyed by my sons and daughter, and that if the families of all of them become extinct, the property mentioned in schedule II shall become endowed (*waqf*) property like the endowed (*waqf*) property mentioned in schedule I, and the expenses of the musjids, &c., shall be defrayed on the same conditions as have been stated. The income of the property mentioned in schedule I shall be used for the purpose of lighting the said two musjids, repairing the beds and bedding therein, paying the salaries of their Imams and muazzins, feeding the students, travellers and sojourners, performing the *Eed* and *Ramzan* festivals, &c., and paying the costs of repairing bridges, roads, &c. These expenses shall be deducted, and the matwalli for the time being shall receive a salary at the rate of Rs. 20 a month, which will also be deducted. And any money which may remain as surplus thereafter will, during the lifetime of the matwalli, remain in his *tahbil* for the improvement of the musjids, and while so remaining the matwalli will keep the musjids in good repair with the said money, and will, after purchasing some property with the said money, include the property in the manner aforesaid in the property mentioned in schedule I. I appoint myself first matwalli and my wife second matwalli after my death. My wife and every matwalli after her will select for the matwalliship from among the existing heirs whoever will appear to be qualified and of good character and of the same religious persuasion. If there be no son and daughter of mine at all, the Musulmans of piety and good character, who may happen to be living among my neighbours and near relations, will bring the matter to the notice of the local Judge Saheb Bahadur, and cause a pious, learned and respectable Musulman to be appointed as matwalli from the side of the Government. And the matwalli so appointed shall, with the income of the property mentioned in schedule II, and endowed in favour of my sons and daughters, cause a madrassa to be established in my dwelling-house in order to give people instruction in Arabic, in Persian, and in vernacular learning. Dated 25th Baisak 1284 B.S., corresponding with 1877 A.D.	See entry No. 14, statement B.

12. It is most important to notice that these deeds, which may be taken as fair specimens of those ordinarily executed for the purpose, seldom make any other provision for the supervision of the endowments than the appointment of managers possessing an hereditary interest of some sort in the office, and generally entitled to devote to their own use, or to that of their families, a part, sometimes the greater part, of the income. The endowment of Sayed Mozuffer Hossain, No. 31 in statement C, is an extreme instance of this practice, the endowers keep for themselves and their descendants, as hereditary managers, four-fifths of the income of the property, as remuneration for managing the remaining fifth, and add to the manager's share the right to the whole profits of such lands as they may reserve in their own possession. Even the fifth apparently devoted to public purposes is charged with the maintenance of the widows of the family, so that it would be most difficult to ascertain what fraction would really be available for good works for the benefit of the public, including education, which is one of several objects specified. Mussammat Sajidunnissa Bibi by her foundation, No. 32 in statement C, after providing for the ordinary costs of collections, gives half the net proceeds to the managers as their remuneration. Mahomed Ali Khan's endowment, No. 29, is devoted to his own and his father's use for life, and after that to the benefit of his male children, provided they continue in the faith, with a bequest over to charity only in the event of the failure of the male line, and the partial failure of the female. In other cases the proportion of the proceeds assigned to the manager is smaller, but it is generally sufficient to give him a substantial interest in the land assigned. In England great difficulty has been experienced in dealing with co-optative trustees, whose close connexion with any endowment has always been felt to be detrimental to its public character. Much more must the hereditary manager of a Bengal endowment, with his vested interest in a considerable part of its proceeds, prove a source of embarrassment to any supervising authority.

Extent to which these deeds assign vested interests in the endowments to hereditary managers.

13. It is also to be observed that most of the deeds give to the managers full control, within the widest limits, of even that part of the endowment which they are bound to administer for public purposes. The Government of India having succeeded to the position of private managers appointed by a will, which gave by no means unusual powers of administration, held that the discretion left to the trustees was so ample as to cover the devotion of money assigned primarily for the support of an imambarah, or Shiah religious institution, to the maintenance of a secular college open to members of all creeds. Other managers claim a similar freedom in selecting objects for encouragement and charity, sometimes in the exercise of the general discretion left to them by Muhammadan law, often by virtue of definite authority given by the words of the foundation deed. Thus by the endowment made by Syed Ali Ashruf, No. 6 in statement C, the manager (the founder's eldest son) is directed to spend the income on hospitality, charity, doles, medicines, maintenance of a school and mosque, other good and virtuous acts, or any act which he may think proper—a discretion about as wide as could possibly be given to a trustee. It is only in exceptional cases that a definite sum is assigned for one of the objects of mixed endowments, such as education. As a rule the foundation deed, if it makes any specific provision at all, requires merely the maintenance of a mosque or tomb, with that of the servants attached, and leaves it to the Manager to divide the surplus, if any, at his own choice among the other subjects indicated.

Large discretionary powers given to managers

14. This branch of the subject cannot be understood without some reference to what are sometimes, in the language of the Indian law courts, called private endowments. These are of the nature of family settlements, by which property is tied up in perpetual entail, for the benefit of the founder's descendants, or of others in whom he may be interested, a bequest over to the poor being frequently added, and always implied, in case of the failure of the original beneficiaries. Such settlements, under the name of *wakf*, are not invalid by Muhammadan law, and are of frequent occurrence. The foundations included in the statements given in this report are believed to be of a public nature, but it is obvious that in some instances private or family objects were also present to the mind of the testator, and were amply provided for in the bequests.

Private endowments.

In Syed Mozuffer Hossein's endowment (No. 31 in statement C) it would seem that these motives were the preponderating influence, and perhaps that endowment should be classified as private, though a public trust is attached. In fact, public and private endowments are not divided by any broad line of distinction, the motives of the founders, as expressed in their *touliutnamahs*, being of a mixed nature. It thus comes to pass that no inference of dishonesty can be drawn from the mere fact that the manager (mutwalli) of endowed (wakf) property appropriates the greater part of the income to his own use, as he may have the right to do so, under the terms of the foundation deed. In some instances this has been overlooked, and the proprietors of private endowments have been accused of embezzling their own money. It is necessary to ascertain the terms of the original grant before any charge can be preferred even with *primâ facie* plausibility, and dishonest managers take care that to do this shall be no easy task.

Small prominence given to education in the deeds.

15. It is matter of regret that although the foundation deeds entered in statement C have been selected by the correspondents of the Committee as having an educational character, but little prominence is given in them to education, as compared with the other objects of the founders. In nineteen instances education is not specified by the deed in any way, and it would appear that such instruction as may be given in the endowments to which they relate is maintained at the discretion of the manager. Thus in the case of Shaikh Saheb's endowment (No. 11 in statement C and No. 11 in statement B), the *touliutnamah* provides only for the maintenance of the mosque and of the manager; and though in fact instruction is at present imparted from the proceeds, this would appear to be done in the exercise of the manager's discretion, without his being bound to continue the arrangement longer than he may think fit. In many other instances education, though specified, is mentioned rather as an auxiliary good work than as the primary object of the endowment, and the founder, as far as can be gathered from the expressions used, did not contemplate the expenditure on it of any large proportion of the income.

Nature of education given.

16. As a rule the deeds of foundation do not in any way specify what kind of instruction is to be given at the cost of the endowment, whether it is to be religious or secular, specifically Muhammadan, or such as is equally adapted to the followers of all creeds. This remark is not, however, of universal application. In four cases (Nos. 5, 8, 26, 33 of statement C) it is expressly stated in the deed that the education to be given in the endowment shall be of a religious character, and in several instances instruction in Persian and Arabic is specifically mentioned. It is, moreover, occasionally manifest from the general tenor of the deed that religious education was contemplated, as in the Gowherpore endowment, in which the scholars are described as students of that shrine, and Mussammat Ajibunnissa Bibi's endowment, (No. 40, statement C) where ten students are to be maintained for calling to prayer, sweeping the mosque and living in it. There is mention of a subject in addition to Arabic and Persian in one deed only, that subject being Bengali. From statement B it appears that in practice the education given is generally religious, but that there are several endowments which impart secular instruction. Arabic and Persian are taught in almost every school maintained at the expense of an endowment.

The Sasseram endowment—its origin.

17. The Sasseram and Mohsin endowments are the most important of those mentioned in the statements, and it may be desirable to give a more particular account of them. The Sasseram khanka was founded at the commencement of the last century by Shaik Kabir Durwesh, a devout Muhammadan, ancestor of the present *sujada-nashin*, or superior of the institution, and was endowed in the year 1717 A. D. by the Emperor Furrukh Siar with eighteen villages, given rent-free, and producing the computed income of a lac of *dams*, or about Rs. 940 a year "on account of the expenses of the khanka," without further specification. In the year 1762 A. D. the Emperor Shah Alum added forty-one villages, producing Rs. 3,000 a year, also assigned free of revenue, "to the holy saint Shaikh Ziauddin for the expenses of travellers and comers." There were also some gifts of smaller value made to the superior of the khanka for the time being by authorities inferior to the Emperor, but claiming the right to exempt land from the public revenue. The validity of the proceedings purporting to make

the assigned villages revenue-free was examined by the resumption authorities in 1836, with the result that the order of Furrukh Siar was declared to be good, while that of Shah Alum was found to be of no force, inasmuch as possession of the land assigned by it was not obtained until after the establishment of the Company's administration, when Shah Alum's right to make such gifts had passed away. No revenue was, however, assessed, on the ground that the lands were attached to a useful institution, which was declared by Government to be of a charitable, not of a religious character. The grants of the subordinate rulers were likewise approved, except in two instances, in which, the exemption from revenue being declared invalid, the land tax was assessed, as customary in such cases, at half the usual rate.

Objects of the endowment.

18. As to the nature of the institution for the support of which this provision was primarily made, the High Court has recently found that the khanka is a religious foundation, being a place in which persons exclusively devoted to a spiritual life reside, and carry on their pious exercises. It includes a mosque, where customary ceremonies are performed at certain festivals, the tombs of devout persons, at which prescribed observances are followed, arrangements for teaching religious books, and for distributing alms to the poor. This description would apply with little modification to most mediæval monasteries, with which institutions Muhammadan khankas seem to correspond as nearly as may be.

Alienation of the endowed property.

19. One of the superiors of the khanka dying without male issue to succeed him, it was found that he had alienated most of the land of the endowment to his descendants in the female line. The property was recovered for the foundation only after prolonged litigation, maintained up to the decision of a final appeal by the Privy Council. Even now five of the seventeen villages granted by Furrukh Siar, and eight of the forty-one given by Shah Alum, are in the possession of the descendants of former superiors, being held by them as private property. On a reference made by the Collector of the district, the Legal Remembrancer advised that it would not be proper to attempt to recover the land thus alienated to improper uses, as a long period had elapsed since the original malversation.

Attempts made by Government to exercise control over the endowment—their failure.

20. Local Agents for the control of the endowment under Regulation XIX of 1810 are mentioned at an early period, but it appears that if any were appointed in addition to the Collector, who held the position *ex-officio*, they never enjoyed real power, as in 1842 we find the Sujadanashin altogether denying their authority, on the ground that the institution was of a private character. In that year Government insisted on the existence of the right to supervise, but directed that its exercise should be confined to the land granted by Shah Alum, about half the whole, the rest being left to the Superintendent, without control or interference, as his personal remuneration for the duties performed. This arrangement did not work well, owing to friction between the Local Agents and the Superior, and in 1849 Government definitely withdrew from all connection with the endowment, reserving only the right to intervene in the event of any future abuse or misappropriation. Attention was again drawn to the matter in 1865, when there was a dispute as to the succession, and the Collector referred the question whether the secular portion of the endowment should not be separated from the religious under Act XX of 1863, which had been passed in the interval. The Board, in this respect overruling the opinion of the Collector and the Legal Remembrancer, decided that the endowment was exclusively secular, and reappointed Local Agents to exercise supervision under Regulation XIX of 1810. These Local Agents assumed a hostile attitude towards the Superior, Shah Mahiuddin Ahmed, who openly challenged their assumption of authority as illegal, and also offered an irritating opposition in detail to every attempt at interference. The Board in 1868 passed rules for his guidance, regulating how much he should spend on each branch of endowment, as education, alms, religious ceremonies; and in 1870 greatly modified these rules, on the ground that in their original form they deprived him of all initiative. On the rules being changed, the members of the Committee resigned, but not before they had sent in a report accusing the Superior of mismanagement. New agents were appointed, who in 1875, after a

protracted conflict with the Superior and after an investigation, at which he declined to be present, reported that he was guilty of misfeasance, in neglecting the rules laid down by the Board. On this finding, Government in the following August dismissed Shah Mahiuddin from his office.

Direct management by Government—its success.

21. From 1875 to 1884 the endowment was practically managed by Government, through the Collector as Local Agent. Under this system very satisfactory results were obtained. A cadastral survey was made of the estate, a record of rights was prepared for the protection of the ryots, the system of management by middle-men was abolished, and the income was thus greatly increased without raising the cultivator's rents. A fine stone building was erected for the madrassa, which was raised to the first position in its class, and affiliated to the Calcutta Madrassa; a new dispensary was also erected, and charitable works generally were prosecuted with vigor. The religious observances were not neglected, Shah Mahiuddin being restored to the position of Superior expressly to direct them, and receiving a handsome allowance for so doing.

The Manager restored by decree of the Civil Court.

22. For some years Shah Mahiuddin acquiesced under protest in this arrangement, but just before the expiry of the period of limitation he brought a suit for the restoration to him of the property of the endowment, on the ground that Government had no jurisdiction under Regulation XIX of 1810 to eject him from his position, the institution being of a religious and family character, and that he had committed no fault. The Subordinate Judge found that the dismissal was invalid, inasmuch as there is no provision either in Regulation XIX of 1810 or in Act XX of 1863, authorising the Executive Government to remove a manager of an endowment for misconduct, and that in the absence of any express enactment the power of dismissal vests in the Civil Courts. Moreover the Court found that, as a fact, there had been no mismanagement. Shah Mahiuddin was therefore restored, and the Court, making the division between secular and religious objects which the Board of Revenue is empowered to effect under Act XX of 1863, declared that the villages granted by Shah Alum, about half the entire property, should be held for temporal purposes, subject to the superintendence of the Local Agents, and the profit of the rest of the lands should be devoted, free from all external control, to religious acts and uses, including the maintenance of the Superior and of his family. The distinction thus drawn was founded partly on the words of Shah Alum's grant, partly on the fact that Government in freeing these lands from revenue had declared them to be attached to a secular charity, and again in 1842 had placed them under special supervision, to which the Superior of the day yielded for a time. This decree was afterward confirmed on appeal by the High Court, except as to the apportionment of costs.

Points illustrated by the history of this endowment.

23. This short sketch of the Sasseram endowment illustrates the difficulties which lie in the way of the efficient management of such institutions. In this particular instance we can see more clearly than by any general description the leading characteristics of such endowments; the vagueness of the terms of the original grants, the constant litigation to which that vagueness leads, the blending of religious with secular objects, the inefficiency of the usual form of management by an hereditary Superior possessing a vested right to maintenance on an undefined scale for himself and his family; the opportunity possessed by such a Superior to alienate permanently the property of the endowment, the resistance he offers to supervision, and the consequent failure of all attempts to exercise control, otherwise than by directly taking over the duty of administration; and the illegality, as it now appears, of the latter course. Even now that the matter has been settled by the decree of a competent Court, the institution is only restored to the position which in 1849 was found less satisfactory than the entire absence of supervision.

The Mohsin Fund—its origin.

24. The Mohsin Endowment at Hooghly was founded in 1806 by Haji Muhammad Mohsin. In the deed by which the trust was created (of which a translation is given in the appendix), it is recited that in the testator's family from generation to generation certain charges had been incurred and usages observed in connection with the celebration of religious rites and festivals, and that, as he had no children by whom the performance of these pious duties could be per-

petuated, he desired to make provision for their continued discharge; he therefore made over specified property to two managers, with the following instructions, that they should divide the net income into nine equal shares, two of which they should keep for their own use, three they should devote to the expenses of celebrating festivals and executing repairs in the Imambarah and burial-ground, while the remaining four shares should be spent in paying salaries and pensions, according to a list attached. It appears from the proceedings of the Vice President in Council, Persian Department, dated the 8th December 1826, and from the correspondence generally, that these salaries and pensions were payable to the officers and servants of the Imambarah, so that the whole endowment, as far as its purpose was specified, was for the support of that religious institution, with the ceremonies celebrated in it, and the persons employed in it. The founder added the provision that "the managers after me will exercise their discretion and authority either to continue or discontinue them (the allowances and pensions) as they may think proper, and I have made over the management generally to them." It is to be observed that in the deed no direction is given as to what use should be made of any savings which might accrue from the discontinuance of salaries or pensions under the power given by this last clause, the matter being thus left to the discretion of the managers.

The founder's title to the endowment lands disputed at the date of the foundation, and for thirty years afterwards.

25. A year before the execution of this deed a suit had been instituted against Hajee Muhammad Mohsin by Mirza Bundah Ulla, claiming the lands of which the former subsequently purported to constitute an endowment. The property had belonged to Munee Jan Begum, who died in 1803, and while the Hajee succeeded as her brother and sole heir, Mirja Bundah Ulla claimed under a pretended will. This suit was prosecuted from Court to Court, up to the Privy Council, and lasted some thirty years, during the whole of which period it continued to be uncertain whether the endowment was valid or not.

Embezzlement of the income, and Government control.

26. Hajee Muhammud Mohsin died in 1813, and the managers whom he had appointed seem immediately to have entered upon a course of mismanagement and embezzlement. According to the finding of the Court of Sudder Dewany Adawlut (No. 45 of 1832) the proper objects of the endowment were neglected, the Government revenue fell into arrears, while the income was spent on quarrels between the Managers, bribes to the police and ameens, and gifts to the Managers' relatives. They, moreover, in order to increase their own profits at the expense of the trust, forged a perpetual lease in their own favour and that of their relatives, purporting to have been executed by Hajee Mahomed Mohsin before the deed of foundation. The Board of Revenue interfered for the better government of the endowment under Regulation XIX of 1810, at first associating a Superintendent with the managers, then laying down rules for their control, and finally in 1817, as these milder measures had only made matters worse, dismissing the managers altogether. As their relatives were implicated with them in the frauds committed, a Government servant was appointed to administer the endowment under the orders of the Board and Local Agents. From this date the institution has been practically controlled by Government. The son of one of the managers disputed the validity of the order of dismissal in the Civil Courts, mainly on the ground that he, and not his father, was at the time Manager, and that no fault had been proved against him; but his suit, after experiencing some vicissitudes of fortune, and eliciting many conflicting opinions, was ultimately unsuccessful.

Accumulation of a large surplus under Government management.

27. The Board of Revenue in 1817 founded a madrassa at an annual cost of Rs. 6,060, payable out of the funds of the endowment. But the leading feature in the first twenty years of Government management was the growth of a considerable fund vested in Government securities. In 1821 the property was sold in putni tenures, that is to say, subject to a quit-rent fixed in perpetuity, and about six lakhs of rupees were received on this account. But as the suit questioning the validity of the title was then pending in the Privy Council, it was made a condition of the sale that if that case were lost, and the new owner refused to confirm the putnis, the purchase-money should be returned with interest. To meet this possible charge, the proceeds of the punti sale were invested in Government securities, and, the interest being

added as it accrued to the original principal, a capital sum of about ten lakhs of rupees was accumulated.

Government orders of 1835 as to appropriating the surplus at discretion.

28. In 1835, the law suits having then recently terminated, the following decision of the Government of India was recorded in a letter No. 282, dated the 28th October, addressed to the General Committee of Public Instruction :—

"The Governor-General in Council, deeming himself to have succeeded to the full authority and power assigned by Hajee Mohsin to the *mutwallis*, considers it to be entirely in his power to determine upon the appropriation of the funds, subject of course to the condition of adhering as closely as possible to the wishes of the testator in points on which they have been declared.

"Now it appears that the growing income from the Jessore estates was the only fund in the testator's contemplation, and the expenses of the Imambarah, the *mutwallis*, allowances, with the pensions and establishment, are charges specifically upon that income, which is estimated by the Sub-Committee at Hooghly to yield the sum of Rs. 45,000 per annum.

"The Governor-General in Council adverting to the conditions of the will resolves that three-ninths of the income from the zemindaris shall permanently be assigned for the current expenses of the Imambarah, &c., &c Of the two-ninths of this income assigned to the *mutwallis*, but which are now at the disposal of Government, the Governor-General in Council assigns one-ninth to the Agent or *mutwallis* appointed by Government, but he does not deem it necessary to appoint a second *mutwalli*, or to appropriate the second-ninth share assigned by the testator to the co-trustee nominated in the original will. This ninth, therefore, will be available for general purposes of a beneficent nature along with the surplus funds to which I shall presently advert. It may, however, be necessary to point out that in the above observations the principle to be adopted permanently is intended to be laid down rather than the particular course to be followed in respect to the present representative of the Government in the office of *mutwalli*. Should Ukbur Ali Khan be now in the receipt of a larger allowance than the ninth appropriated to the remuneration of that officer, it is not intended to disturb that arrangement.

"The four-ninths of the zemindari income appropriated by the testator to pensions and establishments must remain burthened with these charges; but as many of the pensions, &c., &c., will have lapsed, the Governor-General in Council considers that the income arising from such lapses may be fairly added to the surplus fund appropriable to general purposes. The expenses of the hospital will, however, remain a permanent charge under this head, but there appears to be an expense incurred for education at present which will be of course merged into the general fund.

"In pursuance of the principles above laid down, there remain at the disposal of Government for general purposes of a beneficent nature, *first*, one-ninth of the annual income from the zemindaris; *second*, the lapsed pensions &c., &c; and, *third*, the entire amount arising from the interest of the accumulated fund now invested in promissory notes of the Government.

"The Governor-General in Council is of opinion that, after setting apart from this last-mentioned fund such amount as may be necessary to provide appropriate buildings, including the charge of rebuilding or repairing the Imambarah and other religious edifices, if it should be found necessary to renew these, the entire remainder should be considered as a Trust Fund, the interest of which, with other items specified, may be appropriated to the purposes of education by the formation of a collegiate institution imparting instruction of all kinds in the higher departments of education according to the principles heretofore explained.

"In this manner His Honour in Council conceives that the pious and beneficent purposes of the founder of the Hooghly endowment will best be fulfilled, and under the wide latitude given for the determination of the specific uses to which any surplus funds of the estate are to be appropriated, he cannot see that the assignment of the surplus which has arisen in this instance partly from the delay in consequence of litigation and partly from the fines realised from the mode of management adapted to purposes of education in the manner stated, will be any deviation from the provision of the deed."

Formation of a Committee under Act XX of 1863 for the control of the religious portion of the fund.

29. After the passing of Act XX of 1863 a Committee was appointed under section 7 of that enactment for the supervision of the portion of the endowment assigned for religious uses. This Committee controls the expenditure of a contribution equal to three-ninths of the income directly derived from the original estate in the form of rents, and an allowance of Rs. 750 a month in respect of the charge for establishment to be borne by the four-ninths share. The manager, who now deals only with the religious assignment, having no concern with the property generally, receives one-ninth. The remainder of the estate, including the whole of the interest on the accumulation, and amounting in all to about Rs. 57,000 a year, is held to be at the disposal of Government as successor to the managers appointed by the founder.

30. This fund was originally applied to the foundation and support of a college at Hooghly, affiliated to the Calcutta University and open to members of all religious communities. To this arrangement the objection was raised that an institution almost exclusively frequented by Hindus was not the most suitable recipient of the income of a distinctively Muhummadan endowment, and accordingly the Government of Bengal, by a Resolution, dated the 29th July 1873, decided that the fund should be used exclusively for the promotion of education among Muhummadans, the Hooghly College being maintained from other sources. It has since then been devoted with great discretion, and with the best results, to assisting the progress of Muhummadan education throughout Bengal by various means, as the payment of a part of the fees of all Muhummadan students at the University and at zillah schools, the appointment of Persian teachers at the latter, the foundation of scholarships, and of hostels.

Appropriation of the surplus to secular uses.

31. The history of the Mohsin Fund further illustrates the remarks made in the seventeenth paragraph of this report in connexion with the Sasseram endowment, and which may be taken as having a very general application. It may also be quoted with much effect as an instance of the benefit which may accrue from bold and uncompromising action in dealing with endowments. The original object of the foundation, the Imambarah at Hooghly, has been rebuilt, and is a handsome edifice, where the traditional ceremonies are maintained with a degree of splendour, which more than fulfils the main desire of the founder, that the devotional practices of his family should not perish with his race. And the surplus income, small as it is compared with the work to be done among Muhummadans in Bengal generally, is so applied as to be of the greatest use, aiding thousands in obtaining an education which they might otherwise be unable to secure. It must, however, be owned that it would be impossible to treat all endowments with the freedom exercised in the case of the Mohsin's Imambarah, as to which Government has acted with an eye only to utility, applying the surplus of a religious and local foundation at first on the appointed spot to secular purposes without distinction of creed, and now over all Bengal without reference to any limit of place. This wide discretion has never been claimed for the ruling power as such, and was used in this case by Government in the assumed capacity of mutwalli or manager of the trust.

Points illustrated by the history of the Mohsin Fund.

32. The Committee's correspondence proves the existence of a universal belief, shared by all officers and associations expressing any opinion on the subject, that the heriditary managers appropriate to their own use a great part of the income of religious and mixed endowments. It is even supposed that in many cases they permanently alienate the lands of such endowments, and this was reported by the Government of Bengal to the Government of India in reply to the enquiry contained in a circular letter No. 952, dated the 16th November 1874, but without quotation of any specific instances. The account of the Mohsin endowment given above shows that the managers forged a lease in order to appropriate the profits of certain lands to their own use, and it appears that most of the Sasseram property was at one time alienated, some of it never having been recovered. These are the only endowments as to which we have complete information, verified by judicial proceedings, and we naturally apply generally the conclusions which they suggest. This Committee was less anxious to collect further evidence of the general impression which prevails of the dishonesty of the managers than to bring the charge home in some particular cases, and in the preliminary report of the Committee details were given of fifteen endowments, the funds of which were alleged by the local authorities to be to a great extent embezzled. The further enquiry since made has not in any instance confirmed the original statement, even to the extent of showing that any reasonable ground for making it ever existed; while in some cases charges evidently made at random must be regarded as disproved. The following extract from a letter of the Collector of Balasore refers to four cases from Orissa, the Division in which it was supposed that malversation was most notorious:—

Extent to which malversation of educational endowments has been proved.

"As a matter of fact, the allegations made as to malversations of Muhammadan Endowments in Balasore do not rest on any tangible grounds, and therefore are not capable of formal

investigation and enquiry. The thing is vaguely believed in on vague rumours, and the Local Committee cannot procure witnesses because they do not know of any, or indeed whether there are any, in existence. The Local Committee do not know of any body who has any personal knowledge on the subject, and do not know where to look for such persons. They do not know anything about the terms of Abdool Raoof's alleged foundation, nor even, with any certainty, whether any deed making such a foundation ever existed. Unless and until such a deed is discovered the Committee have no clue which they can use as a starting point for any investigation. I have in my own mind no doubt that the charge of malversation has been rashly and carelessly made, and cannot be supported. It seems to me that the Committee ought to withdraw the serious charge they have made. They did not think it worth while to record the statement of the only person who informed them that there has been any act of malversation, and one of the members of the Committee having seen the so-called endowment deed, has given his opinion (he is a Judge's Court Pleader) that it will support no such charge."

The enquiries made do not diminish the strength of the impression that malversation is widely practised, supported as that view is, not only by testimony of a general nature, but by the history of the only two endowments which have been under the management of Government. But they show that malpractices are concealed with more care than was previously supposed, and that neither the officers of Government, nor those members of the Muhammadan community who desire reforms in this respect, are in possession of evidence which will, even to a slight degree, affect particular endowments; also that many of the charges frequently made against individual managers rest on no better ground than mere surmise.

Existing law as to endowments.

33. Having summarised the facts as to endowments brought to the notice of the Committee, it may be convenient to notice the tenor of the existing laws upon the subject, its origin, and the manner in which it has worked.

Muhammadan law.

34. The Muhammadan law on the subject of endowments (*wakf*), which is very minute and detailed, has been fully set forth by one of the members of the Committee in the Tagore Law Lectures of 1884. It is here sufficient to mention, as points which directly affect the present enquiry, that it recognises the right of the absolute owner of property to tie up the principal, and dedicate the income in perpetuity for any good object, including his own maintenance and that of his family; that a *wakf* is in its nature perpetual, the poor being the ultimate beneficiaries, with the right to succeed in the case of the failure of the expressed provisions; that the recognised type of administration is by a manager, called the mutwalli, holding the position for life, and either empowered to name his successor, or transmitting a preferential claim to that office through the male line; that the founder is generally himself the original manager, his descendants succeeding him in the position; and that a power of active supervision, including the right to supersede the manager for misfeasance, and to apply the *cypres* principle when the original objects of the endowments fail, is given to the Kazi, an authority represented in India rather by the Civil Court than by any executive official. The facts previously stated in this report show that the conditions of existing endowments have been in great measure determined by these peculiarities of the Muhammadan law.

Regulation XIX of 1810.

35. The earliest Regulation on the subject, which is still in force as regards secular institutions, makes provision in some detail for the exercise of the Government right to appoint managers of endowments, in the few cases in which such a right existed, and for the repair of buildings, such as bridges and serais, when maintained at the cost of foundations. But in regard to the question more directly before the Committee, the supervision and control of endowments, that enactment must be pronounced vague and unsatisfactory. It recites the fact, which appears to have been as notorious then as it is now, that there are grounds for supposing that the produce of lands granted by preceding Governments of this country, and by private individuals, for the support of mosques, temples and colleges, and for other pious and beneficial purposes, is in many instances appropriated, contrary to the intention of the donors, to the personal uses of the individuals in immediate charge and possession of such endowments; and declares the general principle that it is an important duty of every Government to provide that all such foundations be applied according to the

real intent and will of the grantor. The Regulation proceeds to declare that the general superintendence of all lands given for such purposes shall vest in the Board of Revenue, and that it shall be the duty of the Board, with the assistance of local agents, to take care that all endowments be duly appropriated. But having thus imposed an onerous duty on the Board, the Regulation does not specify what powers, if any, may be exercised for its fulfilment. This important matter was apparently left to such inference as may be drawn from the general legal principle that, where the legislature creates an obligation, it confers, by implication, the powers absolutely necessary for its discharge. It would also appear that the provisions of the regulation do not extend to endowments other than those in land made before the date of the enactment.

Its effect.

36. It appears from two reports of the Board of Revenue, No 601C, dated the 22nd October 1870, and No. 87A, dated 7th March 1872, that outside the Division of Orissa the Regulation was applied to seventeen* endowments only, nine Muhammadan and eight Hindu The Muhammadan endowments supervised were the Sasseram and Mohsin foundations noticed above; the Darga Kadam Sharif a religious endowment in Moorshedabad, with an income of about Rs. 9,000 a year; the Hosseini Dalan in Dacca, a religious institution, supported exclusively by a Government grant of Rs. 2,666-10-8 a year; a mosque in Burdwan with an income of Rs. 3,030-13-14; a mosque with madrassa in the same district probably that of the Ber endowment of our statement .B) with an income of Rs. 1,141, including Rs 365 granted by Government; a madrassa at Seetapore, with an income of Rs. 1,906; and two petty religious endowments in the same district, with an income of Rs. 100 and 33-15 respectively. It will be observed that the first two endowments were not ultimately supervised under the law, all attempts to do so proving so ineffectual, that Government assumed to itself the function of direct management; and that the other foundations are of no great value, their aggregate income being less than eighteen thousand rupees a year. The information from Orissa as to Hindu institutions is not clear, but only one Muhammadan endowment, the Kadum Rasul mosque in Cuttack, was brought under the Regulation. With regard to the degree of supervision exercised by the central authority, it has been explained that the direct administration of the Mohsin and the Sasseram endowments was ultimately undertaken by Government. The Board of Revenue had no knowledge of the other institutions which they were supposed to supervise, not even being acquainted with their names or their number. The Local Agents may at times have been more active, but it is remarkable that they also felt some difficulty in stating, when called upon to do so, what foundations were under their control; and considering that these bodies only existed in seven districts, and that even in these they dealt only with a few petty endowments, it seems clear that the Regulation was never administered with any degree of vigor, and that it did not at any time produce a very extensive effect.

Act XX of 1863—its origin.

37. The severance of all connexion between the offices of Government and the religious institutions of the natives of India formed the subject of communication between the Governor-General in Council and the home authorities for several years previous to 1859, as noticed in the despatch of the Secretary of State for that year, No. 2, dated the 24th February; and it was long recognised as a principle of the greatest importance that in everything connected with their religious worship, and with the management of their religious endowments, the people of India should be left entirely to themselves. The exclusion of religious institutions from the supervision exercised by the Board of Revenue under Regulation XIX of 1810 was a necessary corollary of the policy thus adopted, and as early as 1841 the Court of Directors, in their Legislative Despatch No. 17, dated the 25th August 1841, expressed their desire that this enactment might be rescinded. The great delay in giving effect to these instructions,

* The Government of Bengal's Resolution, dated the 28th October 1878, gives the number as eighteen, apparently taking the figures from the first of the Board's reports quoted above, which was corrected in the second by the exclusion of Chand Moni's endowment, Chittagong, managed by a committee appointed by the Civil Court.

which were repeated on more than one occasion, was presumably due to the pressure of more urgent public business, as also to the difficulty experienced in ascertaining what endowments had been brought under supervision, and how they could be conveniently managed after the repeal of the Regulation; the whole tenor of the correspondence showing that the Board had no trustworthy information on the subject in their own office, and that the Local Agents, including the District Collectors, were very imperfectly informed. Meanwhile such supervision as had formerly been exercised was greatly relaxed.

Its purport.

38. The principle of Act XX of 1863, as stated by Mr. Sconce, Member of the Legislative Council, was "to render the supervision of the management of religious trusts solely a matter of judicial cognizance." Its provisions may be considered as they variously affect endowments of four classes—the secular, the religious with regard to which Government possessed the right of appointing managers, other religious endowments, and mixed institution of a character partly religious and partly secular. Secular endowments were left to the operation of Regulation XIX of 1810, which is still in force as regards them. Those religious institutions as to which Government exercised the patronage of appointing managers were made over for superintendence to co-optative Committees, appointed once for all by Government, with the powers previously exercised by the Board of Revenue, while other religious foundations were left to the management of their immediate trustees without any provision whatever for executive control. The Board were directed to separate the secular from the religious funds of mixed endowments, retaining the former for superintendence under Regulation XIX of 1810, and dealing with the latter as with other religious institutions. The Act further provided that any person having a right of attendance, or having been in the habit of attending at the performance of the worship or service of any mosque, temple, or religious establishment, or of partaking of the benefit of any distribution of alms, or being otherwise interested in the institution might, without joining as plaintiff any other person interested therein, bring a suit before the Civil Court as to any misfeasance, neglect of duty, or breach of trust committed by the managers. The previous consent of the Court, to be given on a preliminary application was, however, declared necessary before such a suit could be instituted.

Its effect.

39. Only one endowment, the Sasseram Khanka, has been treated as belonging to the class of purely secular foundations, and the High Court has decided that in this instance the Board acted erroneously, the institution being really of a mixed character. The Mohsin Imambarah was held to be a mixed endowment, and a separation was made of the religious from the secular portion of its funds, according to the orders previously passed by the Government of India, and which very possibly suggested this part of the Act. Five endowments in Bengal and Behar, and in Orissa a moderate number not clearly ascertained, were made over to Committees as religious institutions the appointment of the managers of which vested in Government, the Muhammadan foundations thus transferred being the Darga Kadim Sharif, Murshidabad, the Husseini Dalan, Dacca, the Moradpur Mosque, Burdwan, and the Kudum Rasul Mosque, Cuttack. The other religious institutions were simply left in the hands of their previous managers, the supervision of the Board of Revenue being withdrawn. It appears from the enquiry of the Orissa Commission that the control given in certain cases to Committees has proved to be nominal, and this provision a dead-letter, so that the practical result of Act XX of 1863 was to leave the Sasseram endowment under the superintendence created by the Regulation previously in force, to legalise the appropriation of a part of the proceeds of the Mohsin Fund to secular uses, and to place all other endowments exclusively in the hands of their managers, subject to the right of any one interested to sue in the Civil Courts in the case of misfeasance.

Section 539 of the Code of Civil Procedure.

40. The right of those interested to bring a suit to prove misfeasance on the part of the manager of an endowment was not created by Act XX of 1863, having been previously exercised in many instances. It is now to some

extent regulated by section 539* of the Civil Procedure Code, which contemplate the previous sanction of the Advocate General to such suits. This provision and the corresponding part of Act XX of 1863 were evidently intended to facilitate suits for the better management of public trusts, but in practice, and as interpreted by the Calcutta High Court, they have imposed certain technical barriers in the way of proceedings already sufficiently difficult. As pointed out in the memorandum of the Central National Mahomedan Association, printed in Appendix III, and in Mr. Ameer Ali's Tagore Law Lectures, it was decided by the Calcutta High Court, in the case of Delras Bano Begum *versus* Nowab Syed Asghur Ally Khan, that the operation of Act XX of 1863 was confined to such endowments as were transferred to trustees under that enactment, and the principle of this decision was affirmed by the Privy Council (*see* I. L. R. 3, Cal. 330). The decision of a Divisional Bench of the High Court in Jan Ally *versus* Ram Nath Mundul (I. L. R. 8, Cal., p. 32), to the effect that every mosque, Hindu temple, college or religious institution for the support of which land has been granted by preceding Governments, or by individuals, comes under the purview of Act XX of 1863, and that consequently no suit can be instituted with reference to any of these institutions without leave having first been obtained is, however, apparently in conflict. The Allahabad Court has dissented from this view (I. L. R. 7, All. 179), but in Bengal it cannot be ignored. In the present state of the law a person interested can safely sue for the better management of an endowment only after obtaining three several sanctions—that of the Court after notice to all others concerned under section 30 of the Code of Civil Procedure Code; that of the Advocate-General under section 539; and that of the Chief Court of the District under Act XX of 1863.

Proposals to amend the present law—

(1) That of the Orissa Commission.

41. Certain inhabitants of Orissa having represented to Government by deputation and petition that the existing law worked badly in that Division, a Committee of Hindu gentlemen was appointed in February 1868 to enquire as to the general condition of the endowments concerned, and to submit proposals for the amendment of Act XX of 1863. The Committee found it impossible to collect actual figures as to the receipts and disbursements of endowments, but reported as the general result of the previous experience of the members, and of what they heard during the enquiry, that in the great majority of instances the funds of the Hindu foundations of Orissa were squandered and misappropriated. They recommended that a Central Committee should be formed for the Division, consisting of Hindus and Muhammadans, with a majority of the former, and possessing full power to appoint, or confirm the appointment of, managers of endowments, to frame rules for their guidance, and to dismiss them in case of misfeasance; having in short plenary power over the administration, subject only to responsibility to suits in the Civil Court. The Scheme included a provision for the payment of the expenses of the Committee, and of necessary litigation, by a rate to be levied from all endowments. The members of the Central Committee were, according to the proposals made, to be appointed for life, and vacancies to be filled up on the co-optative system. For each endowment a sub-committee was to be appointed, representing the Central Committee, and acting under the orders of the latter.

(2) That of Sir William Robinson.

42. The scheme of the Orissa Commission, which is that the Regulation of 1810, the Central Committee being substituted for the Board of Revenue, and the powers claimed

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* "In case of any alleged breach of any express or constructive trusts created for public charitable or religious purposes, or whenever the direction of the Court is deemed necessary for the administration of any such trust, the Advocate-General acting *ex-officio*, or two or more persons having a direct interest in the trust and having obtained the consent in writing of the Advocate-General, may institute a suit in the High Court or the District Court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

(*a*) appointing new trustees under the trust;

(*b*) vesting any property in the trustees under the trust;

(*c*) declaring the proportions in which its objects are entitled;

(*d*) authorizing the whole or any part of its property to be let, sold, or mortgaged, or exchanged;

(*e*) settling a scheme for its management; or granting such further or other relief as the nature of the case may require

The powers conferred by this section on the Advocate-General may, outside the Presidency towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

Act No. X of 1810, section 2, is hereby repealed."

by the Board conferred by law, was submitted with favourable comments to the Government of India, but that Government preferred a plan sketched by Sir William Robinson, on the lines of the English Charitable Trusts Acts of 1853, 1855, and 1860. As the latter proposal is the clearest and fullest made by those who advocate the strict supervision of Indian endowments on the European system, it is quoted at length :—

"The minute by Sir W. Robinson, to which allusion is made in the foregoing extract, proposed to follow, in dealing with these endowments, the model of the English Charitable Trusts Acts of 1853, 1855, and 1860. His views are set out in the following paragraphs of his minute :—

"Following, *mutatis mutandis*, the model proposed (Charitable Trusts Acts of 1853, 1855, and 1860), the first step to be taken is that Government appoint and continue to appoint as vacancies occur three or more well-salaried Commissioners of Religious Endowments, who with a Secretary, likewise appointed by Government, should constitute a Board to inquire into the condition and management of all religious endowments throughout the Presidency. I do not think that the retention of this degree of patronage would contravene the principle of perfect neutrality, which should characterise all Government action. The patronage should be exercised with the advice of the Board when once formed, and is simply, as it appears to me, a necessary guarantee for character and qualification. And in a country where religious factions affect men's minds, as it does here, I think that the Government must thus far act the part of a daysman between them.

N. B.—In England two of the Commissioners (and the Secretary I believe) must be lawyers of standing, and I am disposed to suggest similar qualifications here. I should at all events endeavour at the outset to place an English Barrister of standing on the Board for obvious reasons.

N. B.—I should be inclined to extend their powers of inquiry, &c., to all charities for whatever object existing.

N B.—The correspondence shows how difficult is the question between the two sects of Vishnuvites and the various creeds amongst the Shivavites and other shades of belief which prevail in various parts of the country.

"The Board should receive all requisite legal powers to enable them to execute their functions most effectively—including that of placing independent persons in a position to ascertain accurately the income and miscellaneous receipts (*e g.* from pilgrim offerings and the like) of any institution into the affairs of which their inquiries may extend—under penalties for delays and obstruction whencesoever arising, which shall be sufficiently deterrent and prompt. The action of the Board should be of a summary but *quasi*-judicial character, and all their proceedings and the reports of the local Committees and Inspectors should be published for general information.

N B.—The restriction in respect to examination of persons who claim or hold property adversely to the charity under inquiry, contained in section 16 of Charity Trust Act of 1853, has proved most inconvenient, and should be avoided in the proposed law.

N B.—In England these are, I believe, annually laid before Parliament Here it might be sufficient to publish them periodically, with appendices.

"The registration of all religious endowments in the office of the Board—with full particulars of every kind—within a specified period by their respective trustees or managers should be made compulsory. And all trustees and persons acting in the management of any institution within the purview of the law should be obliged—under severe penalties—to submit, if required by the Board, a provisional budget estimate of receipts and expenditure for the following year for such orders as may be advisable, and at the close of the year to send in a statement of all receipts and disbursements for official audit by the Board.

"The Board should be required to institute progressive inquiry into the management of all institutions within the scope of their functions, and, where not satisfied with the existing administration of the funds, &c., of any of them, to draw up—after disposing of objections and suggestions of parties interested in the charity—a scheme for the management of the institution and its funds; for the acceptance of those concerned (if willing to accept such proposals), or for submission to the courts of law for ratification or modification as the case may be—and the Board should be empowered to modify or obtain the modification of such schemes from time to time as may be found expedient. Wherever the scheme of the Board is unopposed, their orders should be final, and perhaps considerable powers of provisional approval and execution of their order might be conceded to them even when there is a show of opposition (as in England) under the more recent extension of the Charity Commissioners Law (1860).

"Most of the provisions of the Charity Trust Law of England respecting the powers of the Board are applicable and will prove useful. The principle of section 16 (application for opinion and advice and indemnity for acts on such advice) might be extended so as to constitute the Commissioners, arbitrators and referees in all matters of doubt and dispute, and to make the provisional order valid unless reversed by competent judicial courts. The powers given in section 17 and sections 19 to 28 might, with suitable modification, be exercised with advantage by the Commissioners to be appointed under the proposed law.

Sections 17, 19, 20—Authorisation of suits.
Section 21—Sanction of leases, &c., and repairs
Section 22—Removal of officers.
Sections 23 to 27—Compromises, exchanges, &c.

"I am satisfied that it would be highly beneficial to constitute the Board—under stringent provisions for the faithful execution of the trust—Official Trustees of Endowment Lands, in the manner provided in sections 47 to 50 of Charity Trust Act, 1853, and Official Trustees for the investment of all surplus funds, &c., and for the management of any funds which may be voluntarily transferred to them by persons acting in management of religious and charitable endowments.

"Having constituted a Central Board, it becomes necessary to provide them with the means of local information and investigation, and with agency for fulfilling the requirements of the law. Most of those who have written on the subject have recommended the retention of the District Committees constituted under Act XX of 1863, and some would even extend the system and form "Local Fund Circle" Committees. I entertain the gravest doubts of the utility and expediency of these numerous permanent local vestries, and I think that the papers sufficiently prove that their constitution has neither been operative nor judicious, and that their action has been too often factious, meddlesome, and irritating. I should therefore greatly prefer the English system of inspectors, who under the orders of the Board *pro re natâ* would take up the investigation of each institution in its town for final disposal by competent authority."

The suggestions of Sir W. Robinson, as embodied in a Bill by the Madras Government, together with those of the Orissa Commission. were published in the *Calcutta Gazette*, and circulated for an expression of opinion to the officers of Government, the leading public associations, and those interested generally.

Opinions expressed on the above proposals.

43. The Muhammadan National Association supported the proposals of Sir William Robinson with minor modifications, while the Muhammadan Literary Society intimated a preference for the system embodied in Regulation XIX of 1810, and particularly for supervision by Government. The Behar Landholders Association thought change of any kind unnecessary, dwelling strongly upon the consideration that the Bengal practice, which prevails among Hindus as well as among Muhammadans, of making family settlements and entails in the convenient form of endowments, renders it most difficult for any authority, other than the Civil Courts, to guard public interests without interference with private and proprietary rights.

The British Indian Association expressed an opinion not very different from that subsequently adopted by the Government of Bengal, which is stated in the next paragraph. The view of those who warmly approve of the policy introduced by the Act of 1862, that of non-intervention in religious matters, and resent any control of old endowments as an outrage, was forcibly put forward in a monster petition from Hindus and Muhammadans, some of them persons of great influence. The Board of Revenue's comments on the diversity of the sentiments expressed are quoted as having more than an occasional application, and being quite apposite at the present day:—

"Perhaps nothing in these papers is so remarkable as the wide divergence of opinion which they exhibit. The great majority of those who have been consulted recognize the existence of a serious evil which calls for legislative interference; but some, as the Commissioner of Patna and the Behar Association, are of opinion that the existing law supplies all that is necessary. Some would draw a broad line of distinction between secular and religious uses; others confidently declare that no such distinction is possible. The centralized system, advocated by the Government of Madras, finds favour with some; while to others the only chance of successful administration appears to lie in the local committees suggested by the Orissa Commission. Whether the agency to be employed should be paid or unpaid; whether it should be official or non-official; whether it would be equitable to tax the endowments to meet the cost of supervision, are all fundamental questions upon which diametrically opposite opinions are put forward. If the differences were merely upon matters of detail, it might not be impossible to reconcile or to evade them. But the difficulty of dealing with the question is greatly increased by the fact which these papers bring to light, that any course of action which the Government may decide upon pursuing will undoubtedly be disapproved by at least a minority of the community. There are some questions in respect of which the duty of Government may be so plain as to make public criticism, or even public opposition, a matter of secondary importance. But the subject now under discussion is not of this kind; and the reform of abuses connected with religious and charitable endowments is a task in which Government can scarcely hope to be successful, unless its efforts are assisted by the support and co-operation of the people themselves."

(3) That of Sir Ashley Eden.

44. The views finally adopted by the Government of Bengal on the subject are contained in Mr. Mackenzie's letter No. 603T, dated the 20th September 1880. On the two previous suggestions he observes that Sir Ashley Eden is perfectly satisfied that no system of managing endowments by means of committees, whether central, divisional, or district, will work so long as the members are altogether non-official, and either unpaid, or remunerated only by fees for attendance at meetings. He feels also great doubt whether the plan advocated by the Government of Madras of a paid Central Board working through the

trustees of the different institutions, and exercising control over these by means of paid inspectors, would prove satisfactory. The Central Board would almost certainly find itself overwhelmed by the infinity of detail coming before it, while it would be generally wanting in the local knowledge necessary to the satisfactory management of so many diverse institutions and establishments. The recommendations of the Bengal Government are contained in the following paragraphs:—

"It appears to Sir Ashley Eden that the most rational solution of the difficulties which admittedly surround the question may be found in an amalgamation of the principles of Regulation XIX of 1810 and Act XX of 1863, both of which were, from different points of view, correct measures of law so far as they went, and might well be utilised to supplement one another. In the Lieutanant-Governor's opinion, it is the duty of Government to see that property set apart for public uses of any kind is not converted to individual uses. Recognizing the importance attached to the maintenance of public religious and charitable endowments by the people of India, he holds that it is incumbent upon the Government to supply the necessary checks to prevent such endowments being deliberately misappropriated by individuals. The Government should not and need not interfere with the disposal of any endowment designed mainly to benefit an indivudal or a family, but it should protect every public endowment, the value of which makes it worth the trouble. This question of value—money value, that is—may be useful in supplying a further practical line of demarcation for purposes of interference. On the other hand, the Lieutenant-Governor considers that it is not the duty of Government to superintend the detailed appropriation of the proceeds of the endowments to the purposes of the institutions endowed. It may reasonably call upon those interested to see to that, though it should retain some sort of security that such persons continue to do their duty.

"Assuming the soundness of the foregoing principles the following scheme for legislation suggests itself to the Lieutenant-Governor. The Board of Revenue, as it is now the Court of Wards and controller of attached estates throughout the province, should also be vested with the general superintendence of the landed or funded property belonging to all public endowments. It should have power to decide when it ought to take charge of such property and when it should forbear, and its decision on this point should be final. The Collectors of districts should be the local agents of the Board for managing such property. They should be at liberty to manage through superintendents of institutions, special managers, or otherwise, but should have full power to exact accounts, &c., in all cases where they do not manage themselves.

"In each district where there may be property under the Collector's charge as above there should be a native committee—or two, if there were both Hindoo and Muhammadan endowments,—who should have charge of the institutions to which the property belonged. The members of the Committee should be appointed by Government, and be paid by fees for attendance at meetings, and they should have a paid native Secretary appointed by the Board, and only removable by it. It would be the duty of the Committee and its Secretary to enquire into and report to the Collector about all the endowments in the district, and afterwards to look after the trustees, managers, or superintendents of the institutions under their charge, to see that receipts (other than those from landed or funded property in charge of the Collector) were properly accounted for; to draw up for each institution a proper scheme of management and expenditure, calculated to meet the public objects for which it had been founded; to receive from the Collector the proceeds of the property under his charge, and apply these in accordance with such scheme. The Committee should have power to sue any trustee, manager, or superintendent, for misfeasance, and to procure his removal by the civil court. They should have power to require accounts from the managers of the institution, to lay down forms for these, and to audit them. They should be bound to report annually to the Collector on the institutions under their charge, and the Collector should have power to call upon the Committee for any information he may require in connection with the institutions. The Collector should be at liberty to employ the paid Secretary of the Committee to manage any property in his charge. I am to add that it is only by retaining the power of appointing and removing the Committee and Secretary that Government can secure active management, and there is really no good reason why this power should not be exercised as unobjectionably by the Executive Government as by the civil court.

"This scheme would be cheaper than a salaried Central Board, and would be more popular. Local men would have the management of local affairs, and in many cases the fees for attendance by members of Committees would not be accepted Of course a power would be necessary to recover all expenditure from the endowments taken charge of. It would also be desirable that the Government should be able to exempt special trusts from the management of the district committee, placing them under a separate and special committee, with a distinct Secretary, Hindu or Muhammadan, as the case might be.'

Decision of the Government of India that legislation was undesirable.

45. The Government of India had at first expressed a disposition to consider the subject with a view to legislative action, and had commended the drastic proposals of Sir William Robinson. But ultimately a different view prevailed, and in a letter No. 205, dated the 22nd February 1881, the Lieutenant-

Governor was informed that the Governor-General in Council, while he sympathised with the opinions expressed by the more enlightened members of the native community, considered that the Bengal proposals involved a definite departure from the principles which had long guided Government in its relation to religious institutions, and was satisfied that legislation, under existing conditions and in the present state of public opinion, both in this country and in England, would be neither desirable nor practicable.

Suggestions made during the course of the present enquiry.

46. Having in the preceding paragraphs given some account of the facts as to Muhammadan educational endowments, the law applicable to such institutions, and the proposals which had previously been made for its amendment, we have now to explain the suggestions which have been put forward during the present enquiry, and the course which, in our opinion, it is advisable that Government should adopt. If the proposals of this Committee have not in every instance been unanimously adopted, it is to be remembered that the subject is one upon which much difference of opinion must everywhere exist. In England, for instance, after nineteen years had been spent on the preliminary enquiry as to endowments, a further period of twenty years was consumed in the subsequent discussions before any practical measure could be agreed upon, ten abortive Bills having been introduced during the interval; and the measure adopted in the end proved to be only an instalment of what was required.

Proposal of the Central National Muhammadan Association.

47. The views of the Central National Muhammadan Association deserve very special consideration, as this Committee was appointed on the suggestion of that body. The following proposals were made by the Association after the Committee's enquiry had been completed, and with reference to the results obtained—

"I. That the Legislature be moved to simplify the procedure at present existing as to the institution of suits relating to the administration of trusts, and that an officer be appointed in each district to institute and conduct such suits when directed by Government. The Association would suggest, with a view to save any extra expense, that a Muhammadan Deputy Magistrate or executive officer of sufficient experience may be invested with such office.

"II. That a Central Committee, consisting of a few Muhammadans, with the Advocate-General of Bengal as its President, be appointed to exercise a general supervision over Muhammadan endowments, and to see that the funds are properly applied. This Committee should receive reports from the District Committees, and in case of breach of trust and misconduct, or misapplication of funds on the part of the trustees, may move Government, if necessary, to direct the authorised officer to institute a suit on that behalf.

"III. That in case of educational funds, the Central Committee should have the power of directing how they should be applied.

"IV. That the Civil Court be authorised by the Legislature, when the funds are not specifically apportioned in any *wakfnamah* to exercise the discretion vested in the Kâzi under the Muhammadan Law, and apportion the funds in accordance with the requirements of each special case.

"V. That District Committees be appointed consisting of a few Muhammadans, with the Collector as President, to advise the mutwallis, and to exercise a general supervision over the *wakfs*. Such supervision should not be inquisitorial.

"VI. That the trustees of the endowments, religious and secular, should furnish to the Central Committee yearly accounts of receipts and disbursements."

These recommendations are supported by Mr. Ameer Ali and Nawab Meer Mahomed, members of our Committee, as also of the Association.

Counter proposals of the Muhammadan Literary Society.

48. Upon these suggestions the Muhammadan Literary Society offers the following comments:—

"There is no doubt that legislation on the lines of Regulation XIX of 1810, whereby the preservation of the corpus and the legitimate appropriation of the incomes of *all* endowments will be secured, is a great desideratum; but we fear that no appreciable good is likely to result from an enquiry limited to educational endowments Not only are such endowments thinly scattered, but they cannot, consistently with the wishes of the grantors, be utilised in promoting secular education.

"With regard to the proposal for the formation of Central and Branch Committees with a view to exercise control and supervision over the *wakf* estates, we concur with the opinion expressed by two members of your Committee, that such Committees are not calculated to command the confidence of the generality of the Muhammadans, and that the functions which are intended to be entrusted to them would be better performed by European officials, with the aid of Muhammadan gentlemen commanding local influence.

"Moreover, it is to be feared that an unpaid agency could hardly be expected to perform the work uniformly well. With the lapse of time, as the enthusiasm inspired by the novelty of the measure begins to flag, the interest taken in the matter might be slackened, the members might grow indifferent and less attentive, and in such cases the supervision would be anything but perfect or satisfactory."

The counterproposals made above for the supervision of endowments by Government on the lines of Regulation XIX of 1810, have been supported by two members of our committee, Nawab Bahadur Abdool Luteef and the Hon'ble Abdool Jubbar, but are not approved by the Central National Muhammadan Association, that body stating that the Association deprecates the revival of Regulation XIX of 1810 in respect of religious trusts. In the opinion of the Association, it is inexpedient, in view of the existing circumstances of the country, to vest executive officers of Government with the plenary powers which the Regulation gave them. The correspondence with the Association, and the Literary Society, which is of great interest to Muhammadans, is printed in an appendix. It terminates with the memorandum transmitted with a letter from the Central National Muhammadan Association, dated the 20th July 1887, to which, at the suggestion of the President of this Committee, no reply was made by the Muhammadan Literary Society, it being thought better to let the discussion drop at the stage which it had then reached.

Remarks upon the proposals of the Central National Muhammadan Association.

49. The first suggestion of the Central National Muhammadan Association, in so far as it refers to a simplification in the procedure preliminary to the institution of suits as to endowments, has been adopted by the Committee, as will be subsequently explained. Two of our members, agree in the proposals of the Association generally, and the following comments are offered only on the part of the majority, to whom it seems unnecessary to appoint an officer in each district for the conduct of endowment suits, as in many districts there are no endowments of the kind with which the proposals deal, while past experience indicates that litigation will not be of frequent occurrence in any locality. With regard to the second proposal, for the formation of a central committee "to exercise a general supervision over Muhammadan endowments, and to see that the funds are properly applied," it is observed that the report of the Orissa Endowment Commission demonstrates that if any such controlling body is to be formed, definite powers must be given to it, or it will, like the committees now working under Act XX of 1863, possess no authority, and be able to do nothing whatever. This remark applies even more strongly to the local committees, the constitution of which is suggested in the fourth proposal, as what is needed to prevent the malversation of funds by managers is not the good advice which such committees are to be permitted to tender, but the inquisition from which they are to be restrained. The power of directing how educational funds should be applied is probably the last which an important section of the Muhammadan community would wish to entrust to a central committee, as the question how far the education given should be distinctively religious is that upon which there seems to be the least prospect of any general agreement. The discretion given to civil courts under section 539, Civil Procedure Code, seems to enable them, on sufficient cause being shown, to apportion the funds of endowments according to the requirements of each case. It seems beyond the functions of the Committee to recommend that the trustees of religious endowments should be compelled to render accounts to a central body. Such an obligation would be unmeaning, unless the body receiving the accounts were to exercise some control over the expenditure—a power which the Association does not apparently propose to confer.

The supervision of religious education should not be entrusted to a Committee.

50. In considering the general proposal for supervision by an unpaid agency, as distinguished from the details noticed in the last paragraph, it is necessary to state, in the first place, that this Committee is distinctly of opinion that religious education is on the same footing as religious worship, and that its control cannot with advantage be entrusted to a secular body, appointed by Government. The education in theology of those destined in a special manner to teach the dogmas and inculcate the special practices of any creed, as

it is one of the most important, seems to be also one of the most delicate of religious works, and its supervision by a Government agency seems likely to lead to special complications and objections. It is to be remembered that the controversies between sects, and between different divisions of the same sect, so common in all other religions, are not unknown among the followers of Muhammud; and it is obvious that where such differences exist, they may be reflected in discussions as to the orthodoxy of the methods adopted for imparting religious education, of the books read, or (as actually happened in the case of the Sasseram endowment) the head-master employed. It is not possible to exercise any real control over religious education without in some degree taking cognizance of such discussions, as they arise, and Government intervention in these cases would always be open to misconstruction. In the opinion of this Committee, Government might with far less danger of exciting hostile feelings interfere for the preservation of the temporalities of religious endowments, than in the direction of the education imparted in them.

Difficulty of deciding that in any case secular instruction is the object of a foundation.

51. Before placing the funds available for secular education under the supervision of a Central Committee, it would, therefore, be necessary to separate them from the general income of the mixed endowments, and in particular from those which should be spent on religious education. It need hardly be said that this would be a difficult, a delicate, and an invidious task. Act XX of 1863 contemplated a similar division only in the case of endowments at the time under the management of the Board, as to which it was assumed that accounts would be available to show how the income had in fact been expended, thus furnishing a solid foundation for the work of partition. And in fact no division was ever made under that Act, except in the case of the Mohsin Fund, where the distinction had been previously observed. The duty which would be imposed on the Central Committee would be far more onerous, as the endowments now to be dealt with are in the hands of managers said to be fraudulent, and certainly jealous of their authority, who would raise every tenable plea, and exhaust their powers of passive resistance, before permitting any portion of the funds now under their exclusive control to be cut off from the main foundation, and placed under the supervision of strangers. The Central Committee would have in the first place to ascertain what managers are bound by the terms of their trusts, or by custom, to assist education, then to decide whether the education contemplated by the founder was religious or secular, and finally to estimate what amount of money would fairly represent the claims of secular education on the endowment. This work may not at first sight appear difficult, but it involves the decision of such points as whether endowments are public or private, religious or secular, whether the manager has a discretion as to the distribution of the funds, or is bound by custom—questions which have taxed the learning of the highest courts, acting with the assistance of the parties interested.

Inadequate amount of the results to be expected.

52. Whatever the difficulties in the way of separating funds available for secular instruction from the general body of mixed endowments, it might be desirable to face them, if by so doing an income would be secured sufficient to be of any great use to the Muhammadans as a community. But it would appear from the facts given in statement B that the pecuniary results of such an attempt would, in all probability, be insignificant. The educational endowments are not large, and the greater number of them appear to be in favour of religious education. The endowments from which institutions teaching English or Bengalee, with or without Arabic, are maintained, and which are presumably secular, are only four in number—the Koosoomgram Khanka (No. 24); the Koong Khanka (No. 25); the Burdwan Bara Bazar Khanka (No. 27); and Mirza Mahomed Hossain's endowment (No. 43). The Collectors think that from these about Rs. 3,000 a year might be got for education, in addition to what is now spent; but, as the foundation deeds have not been procured, this must be taken as a maximum, calculated on the assumption that the necessary documents can be found, and that they will prove favourable. Five endowments contribute to secular as well as to religious education (see Nos. 21, 27, 45, 46, 47, statement B), and it does not appear clear that from them any further assistance can reasonably be required. There are also five endowments

which at present give nothing to education (Nos. 28, 32, 33, 36, 37), but they are all small, and the foundation deeds not being forthcoming, it is a matter of conjecture whether the managers are bound to give anything or not. It seems clear that nothing would be got from the known endowments sufficient to pay for the cost of the proceedings, including the litigation, to which experience shows that such interference as that contemplated generally gives occasion. It will be said that a richer yield can be obtained from the hidden educational endowments, which have escaped the notice of the Committee; but this is a mere possibility, on the strength of which it would be unwise to create an agency, the working of which must certainly cause many embarrassments.

Conclusion that it is not advisable to separate the funds available for secular education from the mixed endowments.

53. The Committee has, therefore, somewhat reluctantly come to the conclusion that it is not advisable, or indeed practicable, in the case of mixed endowments, to separate the funds available for secular education, and to place them under the supervision of a centralised administrative agency. The task of so doing would be onerous and invidious, including, as it would, ascertaining the means of each endowment dealt with, and of distinguishing between private and public, religious and secular uses. The agency proposed for this work is not very suitable, inasmuch as Muhammadan gentlemen sitting as a committee would in all probability fail to agree even as to the broad principles on which the desired separation should be effected. Any decision at which they might arrive would be likely to give offence not merely to some of those immediately concerned, but to extensive communities, taking a deep and even a religious interest in the subject. And the pecuniary results of the work would in all probability be disappointing, and incommensurate with the cost incurred, even if they did not prove to be ridiculously inadequate.

This conclusion applicable to all schemes for such separation.

54. This conclusion has not been arrived at with reference merely to the proposals of the Central National Muhammadan Association and of the Orissa Commission for supervision by Committees composed of unpaid members. It is equally applicable to the two other schemes proposed for the better government of endowments, that of Sir William Robinson, described in paragraph 42, and that of Sir Ashly Eden, described in paragraph 44 of this report—methods which, whether applicable or not to endowments generally, have never been advocated as suitable to the fractions of a few endowments which can be assigned to secular education.

It is in conformity with the decision arrived at in other Provinces.

55. The Committee appointed in the Madras Presidency to consider this subject has been kept informed of the progress of the enquiry and discussion in Bengal, and has arrived at the same conclusion on very similar grounds. Their opinion is expressed in the following Resolution:—

> Looking to the facts disclosed in the Committee's enquiries, and to the sentiments of those who profess the Muhammadan faith in Southern India, the Committee consider that a separate legal enactment to provide for controlling Muhammadan educational endowments as distinguished from Muhammadan religious endowments is impracticable.

No special investigation as to Muhammadan educational endowments has been made in the Punjab, in the North-Western Provinces or in Oudh, as it was considered that their amount was inconsiderable, and that no marked abuses prevailed in their administration. It is understood that the suggestion for the separate supervision of such endowments has not been adopted in any part of India.

Proposal made by a meeting of Muhammadans at Arrah, that the *surplus* funds of all endowments should be devoted to education.

56. A meeting called at Arrah to consider the subject has made the following recommendations:—

> "That although the endowments were founded for specific religious purposes, there are circumstances connected with them which render an interference on the part of Government both necessary and desirable. For instance, (1) in cases in which the objects for which the endowments were founded have ceased to exist; (2) in cases in which the assets of the endowed property have so far increased as to leave a considerable margin after defraying all the expenditure incidental to the performance of the specified religious objects which is invariably appropriated by the managers to their private use.
>
> "The endowments of these classes, instead of being regarded as a public Trust Fund for the benefit of the public, are considered as the estate of the matwalli or manager's family,

and as such subject to the law of inheritance. A case is cited by the meeting, in which a large property dedicated to religious and charitable purposes has been frittered away after division among the members of the family of the matwalli as a common legacy.

"The members present at the meeting were unanimous in advocating the application of the funds of Muhammadan endowments in the two cases specified above to the education of Muhammadans. There was, however, a difference of opinion as to the class of education to which the funds thus diverted should be applied: the majority were in favour of the education which is imparted in Government schools, but the minority would restrict the outlay to religious education only. The proposal which the meeting would make for the consideration of Government was that the law governing the Muhammadan endowments be modified, so as to add a clause to it giving to the Muhammadan community of the locality in which the endowed property is situated, the power of distribution of the surplus funds of the endowments to educational purposes in cases in which the majority should vote in that behalf, say two-thirds of the total population of that locality."

The terms of Muhammadan foundation deeds are so general, and the discretion left by them to managers is so wide, that the absolute failure of the objects for which any trust was created seems a remote and improbable contingency. But the second proposal of the Arrah Committee, to devote to education all surplus religious funds, is of very general application. It is, no doubt, true that such surplus funds, where they exist, are frequently perverted to private uses. And the case of the Mohsin Fund seems to be a precedent for the adoption of the course recommended, as in that case the surplus accumulation even of the three-ninths share, which is acknowledged to be religious, have been devoted by Government to secular education.

The funds left for religious purposes cannot be treated as surplus and made over to educational institutions.

57. The Courts if asked to frame a scheme of management under section 539 of the Code of Civil Procedure would doubtless sanction the application of surplus funds originally devoted to secular education of one kind, or in a particular place, to promoting the same end by other means, or in a more suitable locality; and indeed managers never shrink from taking this responsibility upon themselves. But the policy indicated, in so far as it includes the application to secular education of funds left for purposes distinctively religious, does not commend itself to the judgment of the Committee, as there is evidently no surplus in the income available for the maintenance of the Muhammadan religion generally, but rather a notorious deficiency; and this being the case, it would seem that, on the *cypres* principle, any superabundant income which may be found in one locality should be applied to the relief of wants of the kind contemplated by the founder of the endowment in a neighbouring district. The wholesale conversion to worldly uses of property left for the benefit of religion does not seem defensible, if the religious needs of the community generally have not been met. It is, moreover, apparent that it would seldom be practicable to prove the existence of any surplus, and that the attempt to do so would give rise to much discontent among the devout. The Mohsin case was an exception, inasmuch as there was in it no question of compelling a reluctant manager to make a particular use of funds trusted to him. Government itself was the trustee, and applied the funds under its control at discretion.

The funds left for religious education cannot be made over for secular education.

58. The Muhammadan religion requires for its maintenance that a certain number of its professors should receive a special instruction, with a view to their devoting their lives to reading the Koran, to affording guidance to others on points of ceremonial law, and generally to a religious life. Even in the case of churches the ministers of which are highly paid, a theological education is seldom obtained at the expense of the scholar or of his guardians, and in this respect the Muhammadan community in India forms no exception to the general rule. Religious education stands in need of assistance among the Bengal Muhammadans quite as much as secular; and far from there being in the funds assigned for this purpose a surplus which can be taken away and given to some other object, there appears rather to be a large deficit. On this subject the Hon'ble Abdul Jubbar remarks—

"We are all alive to the advantages of an English education, and we ought to make every lawful effort to obtain it; but in order to secure what we most desire, and what is essential to our welfare in the world, we cannot do a gross injustice to the souls of the departed. In order to qualify ourselves for seats in the High Court, for appointments in the Judicial and

Executive Services, and for Local Self-Government, we ought not to rob the funds purposely provided for religious instructions. Our ancestors, with whose endowments the Committee is concerned, and whose intentions the Committee is now to explain, were firm and honest in their religious convictions and had no idea of what is now called secular education.

"With the advance of what is called civilisation, religion has shown symptoms of decadence, and nothing seems to require so much support as religion. No true friends of Islam should be a party to any measure which will deprive the Muhammadans, wholly or partially, of the means available for religious instructions. Secular education, which has its apparent advantages, does not require much special encouragement; but in all ages, and among all nations, funds have often been provided for the dissemination of religious education. Colleges and schools have been opened throughout the country for imparting secular education, but religious instructions are given only in mosques, khankas and madrassas mostly supported by endowments. If the attempt to withdraw, by means of legislation, partly or wholly, any funds bequeathed by pious Mussulmans for religious education be successful, the time will not be distant when no one will be found to perform religious ceremonies, much less to give religious instructions, and when the dead will be buried without a funeral service."

Proposal of the Cuttack Sub-Committe to devote to education funds left for certain secular purposes.

59. The Sub-Committee at Cuttack pointed out that it is extremely difficult to check expenditure on alms to the poor and passage-money to travellers, the ordinary charitable objects of secular endowments, and proposes that the money now devoted to these purposes should be transferred to education, some allowance being made for the original intention of the donors. The Endowed Schools Act of 1869 provides that the Commissioner, with the consent of the governing body, may apply to education the income of any endowment left before the year 1800, for doles, marriage portions, loans, apprentice fees, &c. In India this rule would be superfluous, as the trustees of endowments make transfers of this kind without asking the consent of any body, indeed half the educational institutions supported from endowment funds owe their existence to such transfers, there being no provision for education in the foundation deeds. To give effect to the recommendation of the Cuttack Sub-Committee it would, therefore, be necessary to take power to compel managers to make the desired alteration against their own judgment, and this would go far beyond anything that has been done in England. Moreover, the strong sentiment which exists in England against what was once supposed to be the most obvious form of charity—direct gifts of money or food to the distressed—does not exist in this country, where, in the absence of any legal provision for the support of paupers, such charity may in some cases be absolutely necessary, and is probably the sole means of subsistence of many poor persons dwelling in the neighbourhood of endowments.

Proposal to vest all endowment funds in one official trustee.

60. Mr. Beighton, Judge of Moorshedabad, to whom the Committee is indebted for a valuable note, draws attention in the following passage to the convenient practice of vesting charitable funds in an official trustee:—

"This was established by the Charitable Trust Act of 1853. It has proved beneficial (1) as a means of preserving charity property; and (2) of avoiding legal charges or changes among trustees. It was found (1) that a very large mass of property was lost by their falling into the hands of sole trustees to whose representatives they passed as personal property; and again (2) that changes of trusteeship from the death of a trustee involved legal expenses. The Official Trustee's signature is necessary to give validity to transfer of title to land, and when the personal property is vested in the Official Trustee, the duty of the latter is confined to the payment of the income as it accrues to the administering trustees. The official trustees do not interfere with the management of the trust or the administration of the income.

The total amount of charity funds now vested in the Official Trustee is over £11,000,000. In all future schemes by the High Court of Justice or under the Endowed Schools' Act, it is to be provided that the funds shall be vested in the Official Trusteees"

The Committee considered with care whether it would be advisable to imitate this example by insisting that all endowed lands should be entered in the Collector's register in the name of Official Trustee, or of the Board of Revenue—a change which would certainly prevent to a great extent the scandal of such lands being sold or given away by the managers. The objections to such a course are that it would involve a difficult enquiry to ascertain what lands are in each district held for educational endowments, and that it would give the greatest alarm to managers, who might easily consider the nominal

transfer to a Government official of the lands previously entered as theirs to be a measure of resumption or confiscation. The proposal is not, therefore, recommended by the Committee for immediate adoption, and if it is ever accepted, it would probably be advisable to extend its operation to all public endowments.

Strength of the feeling against any violation of the wishes of founders.

61. There is one objection which tells against all the foregoing proposals, and has had great influence in restraining the Committee from making other suggestions in the direction of radical change in the policy hitherto adopted as to endowments, namely, the strength of the feeling among a large section of the Muhammadan community in favour of a literal compliance with the expressed will of founders. It has always been within the knowledge of testators that they could secure a large measure of Government supervision by the terms of their wills, and this has generally been done in cases where such control was really desired, that is, in the case of the gifts for purely secular education entered in statement A. That a distinct provision could be made for education, apart from the religious teaching of the mosques, has been a fact still more obvious. If with such knowledge testators have preferred to leave religious or mixed endowments in the hands of hereditary trustees, with little or no provision for secular education, it is but fair to assume that this course was deliberately adopted, owing to a preference for the ancient form of endowment. Some departure from the wishes thus indicated many are willing to approve in the interest of education; but others, probably the great majority, can see in the action taken with such an object only an impious violation of the trust bequeathed by the charitable dead. This feeling has had the greatest influence on English legislation, and cannot be ignored in this country, where it is much more widely prevalent. Its force has been plainly indicated in the course of the Committee's enquiry, but would not, in all probability, be fully felt until any law which might be passed without reference to it was put into operation, and thus become plainly comprehensible to that part of the public which does not very closely follow discussions carried on in the English language.

The supervision of mixed endowments must continue to be a matter of judicial cognizance.

62. In the opinion of this Committee, while Government adheres to the policy embodied in Act XX of 1863, that the supervision of the management of religious endowments should be solely a matter of judicial cognizance, the control of the educational adjuncts to such endowments must remain, as at present, with the same tribunals. It follows that our efforts should be directed, not to the impracticable task of separating the educational element, but to making access to the Courts by which the endowments, as a whole, are controlled as cheap and easy as circumstances may permit. It will rest with the Muhammadan community to take advantage of the facilities thus afforded, exercising vigilance in its own behalf, and not shrinking from the task of bringing abuses to light.

Proposals of the Committee (1) that the costs of suits for the better administration of educational endowments should be advanced by Government.

63. The most obvious difficulty in the way of securing the interference of the Civil Courts for the benefit of endowments is the expense which such a procedure involves. This is also the consideration most frequently advanced by those interested, who urge that it is unreasonable to expect any member of the community, or any small number of members, to incur the heavy and uncertain cost of litigation for the benefit of the public at large. In this there is much truth, and it certainly seems only fair that the expense of conducting cases brought with the approval of the Advocate-General for the better management of endowments, partly or altogether of an educational character, should be, in the first instance, borne by Government, to be ultimately recovered from the defendants, or the endowments, if the Court so determines. This course is contemplated by law, section 539 of the Civil Procedure Code giving the Advocate-General power to institute such proceeding; and it was in fact followed in the case of the Juggernath Temple at Pooree. The Committee accordingly recommended in a preliminary report that the Bengal Government should undertake to defray such costs, and the Lieutenant-Governor was pleased to accept this proposal. The decision of Government upon the subject has been published, and has, as the Committee is informed, given very general satisfaction.

64. It has been stated, in paragraph 40 of this report, that persons desiring to institute a suit for the better management of an endowment have at present, in order to be perfectly safe against technical objections, to obtain three several sanctions,—that of the Chief Court of the district on perusal of the plaint, under section 18, Act XX of 1863, that of the Court hearing the case, under section 30 of the Civil Procedure Code, after notice at the plaintiff's cost, to all concerned, and that of the Advocate-General under section 539, Code of Civil Procedure. Moreover, except in the case of the few endowments governed by Act XX of 1863, the persons suing must have a "direct" interest in the trust, as provided by section 539, Code of Civil Procedure; and it is by no means easy to determine what interest is direct. The case of Jan Ali *versus* Ram Nath Mundul* shows how these provisions may prove a stumbling block in the way of those who seek the aid of the Courts to prevent malversation by the trustees of endowments. In the opinion of this Committee the only sanction which should be required before the institution of suits under section 539, Civil Procedure Code, for the better management of endowments is that of the Advocate-General; and that section should apply to all endowments for public, charitable or religious purposes, whether administered under Act XX of 1863 or not. The endowments to which that Act happened to be applied were not distinguished from others by any characteristic of a permanent nature, and no peculiar procedure is required for the regulation of suits affecting them. The Advocate-General would be able to determine whether, before giving his sanction, any notice such as that contemplated by section 30 of the Civil Procedure Code was desirable, and in suitable cases he could arrange with Government for defraying the cost of litigation. With regard to the provision in section 539, Civil Procedure Code, that the persons acting as plaintiffs should have a *direct* interest in the trust, it would, in the opinion of the Committee, be desirable to omit the word *direct*, and to add some such explanation as that given in section 15, Act XX of 1863, quoted below.† A separate communication addressed upon this subject to the Government of Bengal is printed in the appendix.‡

(2) That the law as to the institution of suits relating to endowments should be simplified.

‡ *Vide* Appendix IV.

65. It has been said that a sum of Rs. 56,565 a year is available from the Mohsin endowment for the encouragement of Muhammadan education generally throughout these Provinces. This sum is distributed by Government in the Education Department, and assigned for such purposes as the payment of a part of the fees of Muhammadan students, the support of Madrassas, of Persian teaching at English schools, and the establishment of scholarships. The title of Government to the estate is that of an ordinary manager under Muhammadan law, the original managers having been dismissed, and no successors appointed. It has been proposed that for the distribution of this fund a committee should be appointed, experimentally for five years, consisting of six Muhammadan gentlemen, presided over by the Director of Public Instruction. The management of the landed and other property of the endowment should remain, as at present, with Government, and the functions of the committee appointed for secular purposes would correspond with those of the committee which at present manages the religious portion of the foundation, that is to say, it would receive the available income, and issue orders as to its expenditure. It is believed, after consultation with the Director of Public Instruction, that a committee such as that which it is proposed to form, would meet a practical want for some time felt by the Government officers who now control the expenditure. Moreover, management by an independent body of Muhammadans would be more conformable to the expressed will of the pious founder, which appointed two managers with perpetual succession, than is the present bureaucratic form of administration;

(3) That a Committee be appointed for the distribution of educational assignment of the Mohsin Fund.

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* I. L. R. 8 Cal., p. 39.

† "The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary, or a direct or immediate, interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending, at the performance of the worship or service of any mosque, temple, or religious establishment, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section."

Nature of interest entitling a person to sue.

as also to the spirit of Regulation XIX of 1810, inasmuch as that enactment contemplates the control of endowments by a committee of local agents. The majority of the Committee recommend this proposal for consideration and for adoption on the first favourable opportunity, but do not consider the present moment suitable for the introduction of the change, which has been approved by some of their number.

Abandonment of the original proposal to vest the Committee with powers of inquisition as to other endowments.

66. It was at first contemplated to entrust to this committee, and to sub-committees acting under its direction in the interior, a power of inquisition with regard to other endowments, as complaints are very generally made that managers refuse to permit the inspection of their foundation deeds, even by Collectors, or by Muhammadans interested in the subject: and it has been suggested from several quarters that the power to compel the production of such documents, as also of accounts of endowments shown to be of an educational character, should be given to some responsible body. This proposal has been abandoned in deference to the views of Nawab Bahadoor Abdul Lateef and Hon'ble Abdul Jubbar, who, without objecting generally to the existence of such a power of inquisition, consider that at present it could not be exercised with advantage by a central committee.

Conclusion.

67. There are signs that since the appointment of this Committee considerable interest has been roused among Muhammadans on the subject of endowments, and that the feeling against trustees who divert public funds to private uses has gained strength. The measures recommended by the Committee will give scope for the development of this movement, by facilitating the institution and prosecution of suits, and perhaps also by creating a central body of Muhammadans for the government of an endowment fund treated as having a provincial character. A certain amount of information has, moreover, been collected which, imperfect as it is, will be of use to those interested in a subject hitherto involved in the greatest obscurity. Proposals of a more radical nature, approved by two members of the Committee and by an influential Association, have also been embodied in the report, and are submitted for the consideration of Government. If the majority of the Committee have been unable to concur in these recommendations, it is not from any want of sympathy for the cause of secular education—a cause for which the Muhammadan members have both in their public character and their private made exertions to which it is unnecessary further to refer. That cause they desire to advance by every legitimate means, but they cannot approve of attempts to further it by action which would, in their judgment, either be futile, or else result in the appropriation to secular education of funds left for religious purposes.

We have the honour to be,

SIR,

Your most obedient servants,

G. C. PAUL, *President.*

ABDUL LUTEEF,
ABDUL JUBBAR, *Members.*
MEER MOHAMED ALI,

P. NOLAN,

Member and Secretary, Muhammadan Educational Endowments Committee.

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* I sign this report subject to my views contained in my memorandum.

APPENDIX I.

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 12th December 1885.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
MR. AMEER ALI.
NAWAB ABDUL LATEEF, KHAN BAHADOOR, C.I.E.
NAWAB MIR MAHOMED ALI.
P. NOLAN, ESQ., *Secretary.*

THE President in opening the meeting explained the existing law on the subject of endowments, as embodied in Act XX, 1863, and section 539 of the Code of Civil Procedure, read with the relevant decisions of the High Court. Mr Amir Ali undertook to prepare, for the use of the Committee and for incorporation in their report, a full statement of these decisions and their effect.

It was resolved that the first step to be taken in the proposed enquiry was the issue of a circular to Commissioners of divisions, with the object of eliciting information. The Secretary was desired to draft such a communication, observing the following instructions in its preparation. Where the endowment was established by a written instrument, a copy of the *touliutnamah*, or other document, should be called for; where none such can be found, evidence should be taken as to the origin of the foundation. The information available in the Registrar's office should be utilized, and the Collector's register of estates and rent-free lands consulted. In districts where a branch of the Muhammadan National Association has been established, it should be consulted. The report should show the date of establishment of each institution, the name of the founder, and the procedure followed in the application of the funds. The nature of the education at present given should be clearly described, with special reference to the question whether it is exclusively religious or of a mixed character, combining secular with religious instruction.

Nawab Abdul Luteef stated that the willingness of persons interested in the management of endowments to give information would depend to some extent on their opinion as to the ultimate object of the enquiries; that is, whether it was designed to use any funds available for religious or for secular education. It might be well to insert in the circular words giving some indication of the intentions of the Committee in this respect.

The President replied that he would not be a party to any proposal for the exclusion of religious education from Muhammadan instruction. But the object of the circular was merely to get at the facts, and it would be more convenient to consider the question of policy when these had been collected.

Mr. Amir Ali remarked that the character of the education given in the institutions established under the auspices of Muhammadans in recent years was well known, and was a sufficient guarantee that a committee, constituted like the present, would not overlook the necessity for religious education.

Nawab Abdul Luteef expressed a wish to see the papers as to the Sasseram Khanka and the Hooghly Imambarah.

The Secretary explained that he had applied for all relevant papers, and in reply had been informed that these might be consulted when the Committee met in the Bengal Office, but that they would not be sent elsewhere.

P. NOLAN,
Secretary.

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 19th December 1885.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
NAWAB MIR MAHOMED ALI.
MR. AMEER ALI.
NAWAB ABDUL LUTEEF, KHAN BAHADUR, C.I.E.
P. NOLAN, ESQ., *Secretary.*

THE Secretary read to the meeting the draft of a circular to be issued, in accordance with the resolutions passed by the Committee on the 12th December, to all Commissioners. A copy of the draft is annexed.

Mr. Ameer Ali pointed out that under the draft the Local Sub-Committees would consider themselves bound only to transmit to the Committee copies of the *touliutnamahs* of

endowments, which were to some extent of an educational character. It was true that the Committee had under their instructions no power to make inquiries as to religious institutions. But it was their duty to distinguish such foundations from those of a mixed or secular character; and as this was a most important and delicate task, it hardly seemed advisable to delegate it to the local Sub-Committees. He thought that it might be better to call for copies of the *touliutnamahs* of all Muhammadan endowments, including those of a purely religious character, and then the Committee could themselves separate the two classes with which it was proposed to deal on different principles. If this were not done trustees who, from fraudulent or other motives, were opposed to the inquiry, might refuse to produce the *touliutnamahs* of secular endowments, setting up a false pretence that the institutions were entirely religious.

The President agreed with Mr. Ameer Ali in considering that fraudulent trustees would throw difficulties in the way of the investigation inquiry. It was notorious that such characters were not uncommon, and there was nothing surprising in the anecdote of a richly dressed boy, on being asked by a stranger in the street how his father lived, replying "Sir, he is an administrator." But at the commencement of this inquiry, it was desirable to disarm opposition. We were entirely dependent for evidence of malversation on the people themselves, who, if they knew their own interests, would give the Committee every assistance. It was true that a Sub-Committee might occasionally classify as religious an institution which on inspection of the *touliutnamah*, the Committee would have considered to be of a secular or mixed character. But such mistakes would be exceptional, and of no great importance with reference to the object of the present inquiry, which was to collect materials sufficient for an intelligent criticism of the existing law. A call for the title deeds of institutions notoriously religious would create a general alarm, much more injurious than such casual mistakes in classification, and the Committee had no power to enforce such a demand.

Nawab Mir Mahomed Ali supported the proposal of Mr. Ameer Ali, as he considered it desirable that the Committee should examine for themselves the foundation deeds of all Muhammadan endowments.

The Secretary stated that it would not be possible to collect the *touliutnamahs* of all endowments within the time allowed for the enquiry of the Committee When he recently visited Patna to make arrangements for appointing a Sub-Committee there, he found that the leading Muhammadans were able to indicate the endowments as to which uncertainty existed whether they were in part of an educational character. The Muhammadan National Association might similarly point out the doubtful cases. For on investigation of the circumstances of these the time assigned should suffice. But there were thousands of religious endowments about which no suspicion existed, and to procure the title deeds of all these would be the work of years. In England the Commission of Inquiry appointed in 1818 to ascertain the facts as to charitable endowments worked until 1827, and its report was very incomplete, as is shewn by discoveries which have since been made of many institutions which at the time escaped notice. For instance, an ancient foundation, with a capital of £100,000, and its head-quarters in London, was for the first time brought to light by Sir Arthur Hobhouse many years after the close of the enquiry. A call for more information than can be given within the time allowed might probably result in the Committee receiving less.

The president agreed that in framing the circular the Committee should have regard to the limited period allowed for report, and the arduous duties of the officers to whom it was addressed His own experience showed him how busy local officers were, and how short the time they could devote to work beyond the ordinary routine.

Nawab Abdul Luteef feared that a demand for the production of the title deeds of all religious endowments would create alarm, if it did not excite opposition. The appointment of the Committee had attracted considerable attention, and acts done in their name would be liable to pointed criticism, not necessarily of a favourable character Any interference with religious foundations by a demand for *touhutnamahs* would be misunderstood, and the explanation that the Committee merely desired to see whether the foundation was not educational, would not in some cases be satisfactory. He moreover agreed that there was no time for such inquiry.

Mr. Ameer Ali then withdrew his suggestion, and the draft was unanimously passed.

On the motion of the President, it was resolved that the circular should be sent for publication in the newspapers

On the motion of Nawab Abdul Luteef, it was resolved that the circular should be translated into Urdu and forwarded to Collectors for publication.

The Secretary observed that, as Mr. Ameer Ali had kindly undertaken to prepare a note as to the Indian case law on the subject of Muhammadan foundations, he might also make a note as to the English law of charitable endowments. Under the Endowed Schools Act of 1869, the Commissioners may, at the instance of trustees, apply dole funds to the purposes of education, and there are many dole funds in Bengal. The Act of 1857 appointed Charity Commissioners, with powers to make new schemes for the management of trust funds to the same extent as the Court of Chancery. The English law was the outcome of nineteen years' enquiry and sixteen years of subsequent deliberation. Its enactment was preceded by the rejection of some dozen of bills upon the subject. It might perhaps serve the Committee as a guide.

The President approved this suggestion, and Mr. Ameer Ali undertook to prepare the desired note.

The following printed papers illustrative of the treatment of the question as to the management of Muhammadan Educational Endowment were laid on the table, the Secretary explaining that a copy had been procured for each member when possible, but of some papers there was only one spare copy.

Specification of papers.

Number.	Date.	From.	To.	Subject.
.....	29th July 1873	Bengal ...	.....	Resolution distributing the grant made in the last century to the Calcutta Madrassa, Rs. 38,000, and the Mohsin Fund, Rs. 55,000, in all Rs. 93,000, among the Calcutta, Dacca, Rajshahye, and Chittagong Madrassas, Muhammadan scholarships, Muhammadan education in zillah schools, and payment of two-thirds of the fees of Madrassa boys in certain schools and colleges.
3050 ..	22nd June 1874	Director of Public Instruction.	Bengal ...	Plan for distributing the assignment made in the above Resolution for scholarships and fees.
2241 ...	10th July ,,	Bengal ...	Director ...	Sanctions the above proposal.
3494 ...	20th Nov. ,,	Do. ...	Commissioner of Burdwan.	History of the appropriation of the Mohsin Fund.
3777 ...	19th July 1876	Director ...	Bengal ...	Account of the income of the Moshin Fund.
830 T.M.	5th Dec. ,,	Accountant-General.	Do. ...	Proposal to open a separate account for the Mohsin Fund.
4433 ...	27th Dec. ,,	Bengal ...	Accountant-General.	Sanctions the above proposal.
.....	9th Bysack 1213 B.S., corresponding with 20th April 1806.	.....	.....	Will of Hajee Mohamed Mohsin founding the Mohsin endowment.
3106 ...	1st May 1876 ...	Director ...	Bengal ...	Educational trust funds of Bengal.
1C. ...	18th May 1882	India ...	Do. ...	Forwards copy of the orders, dated 20th October 1875, by which five-ninths of the income of the Mohsin property, with the whole of the interest on accumulations, were made available for educational purposes.
.....	.....	National Muhammadan Association.	Marquis of Ripon.	The position of Muhammadans with regard to education and State employment.
481T.G.	14th Oct. 1882	Bengal ...	India ...	Report on the above.
2285T.G.	25th Sept. 1884	Do. ...	Do. ...	Remarks on the report of the Education Committee.

P. NOLAN,
Secretary.

Proceedings of a Meeting of the Muhammadan Educational Endowments Committee, held on the 9th January 1886.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
NAWAB MIR MAHOMED ALI.
MR. AMEER ALI.
P. NOLAN, ESQ., *Secretary.*

READ a letter from the Commissioner of Chota Nagpore, No. 547J, dated 3rd November 1885, reporting that no Muhammadan educational endowments exist in his division.

Resolved—That it be filed.

Read a letter from the Commissioner of Orissa, No. 77PJ, dated 11th December 1885, and the Secretary's answer, suggesting the appointment of a sub-committee in the district of Balasore.

Resolved—That the Commissioner be invited to consider also the advisability of appointing sub-committees in the other districts of his division, particularly in Cuttack, the matter being, however, left to his discretion.

Read a letter from the Commissioner of Patna, No 867G, dated 14th December 1885, reporting on the Muhammadan educational endowments of his division, and the Secretary's reply suggesting the appointment of a sub-committee in the district of Patna.

Resolved—That the appointment of a sub-committee in the district of Shahabad be suggested to the Commissioner.

Read a letter from the Commissioner of Rajshahye, No. 463, dated 17th December 1885.

Resolved—That the remarks as to the Baish Hazari endowment be sent for information to the Collectors of Burdwan and Maldah, and that the Collector of Rajshahye be asked to procure, if possible, a copy of the *touliutnamah*.

That a copy of the *touliutnamah* of the endowment of Moulvi Mahomed Ali Khan be asked for, and a copy of the remarks made by the Commissioner be forwarded to the Collector of Khoolna.

That a copy of the remarks on Bibi Badrannessa Khatun's endowment be sent to the Collector of Jessore.

The Commissioner's report contains a detailed account as to the Bagha endowment in Rajshahye. It was resolved to call for a copy of the *touliutnamah*, and of previous correspondence on the subject, and of the entries in the Collector's books, and further particulars as to the manner in which the funds were applied; also for the Commissioner's opinion as to whether such malversation as that in this instance reported can be prevented in future. The Commissioner to be requested to consider whether sub-committees should be formed in Rajshahye and Dinagepore

It was further resolved to ask the Commissioner whether Azim Chowdry, of Dulai in Pubna, had not *wakf* property, and Amirunnessa and Kuremunnessa.

Mr. Ameer Ali, on behalf of the Muhammadan National Association, put in a list of alleged educational endowments, and it was resolved that the information should be communicated to the Collectors of the several districts.

P. NOLAN,
Secretary.

Proceedings of the Muhammadan Educational Endowments Committee, at a meeting held on the 1st March 1886

PRESENT:

HONBLE G. C. PAUL, C.I.E., *Advocate-General President.*
NAWAB MIR MOHOMED ALI.
MR. AMEER ALI
P. NOLAN, ESQ., *Secretary.*

THE following letters, received since the last meeting, were read and replies approved:—

No.	Date.	From	SUBJECT.
$\frac{33-}{111-728}$ ...	8th Jan. 1886	Under-Secretary to the Government of North-Western Provinces.	Informs that no committee has yet been appointed by the Local Government to examine the subject.
107 ...	11th „ „	Magistrate of Backergunge.	Requests to send the names of *wakfs* in his district.
Nil ...	7th „ „	Under-Secretary, Madras Government.	Informs that communications are to be made with C. D. Macleane, Esq., C.S., President of the Muhammadan Educational Endowments Committee, Ootacamund.
$\frac{E}{103}$ ...	21st „ „	Magistrate of Pubna.	Enclosing copy of a letter No. $\frac{E}{88}$ asks to know if further information of the matter is necessary.
1914G ...	14th „ „	Magistrate of Rajshahye.	Encloses a copy of information regarding the Bagha endowment.
107 ...	14th „ „	Magistrate of Bogra.	Annexing a copy of a letter No. 81 to the address of the Commissioner of Rajshahye, asks to know which of the endowments stated therein requires information.
178E ...	15th „ „	Joint-Magistrate in charge Rungpore.	Enclosing copy of a letter No. $\frac{E}{126}$ to the Divisional Commissioner, wishes to know if further information upon the subject is required.
69 ...	15th „ „	Chief Secretary, Government of Bombay.	Informs to communicate with the Director of Public Instruction, Poona.
7 ...	15th „ „	Under-Secretary, Government of Punjab.	Informs that the Local Government does not consider it necessary to appoint a committee at present.
16PJ ...	3rd Feb. „	Commissioner of Orissa.	In reply to letter No. 22, states that the Collector of Cuttack reports that there are no Muhammadan educational endowments in his district.
116J ...	12th „ „	Commissioner of Bhagulpore.	In reply to circular No. 1, dated 22nd December 1885, forwards copy of a statement of Muhammadan educational endowment in the district of Purneah.
9MG ...	11th „ „	Commissioner of the Presidency Division.	Reply to circular No. 1, dated 22nd December 1885.
54 ...	20th „ „	Commissioner of Burdwan.	Ditto ditto ditto.

Mr. Ameer Ali stated that a misapprehension existed at Burdwan, and probably at other places, as to the scope of the enquiry. There was a disposition to consider it limited to purely educational endowments, to the exclusion of the more numerous class of endowments of a mixed character.

It was resolved that a circular should be issued to clear up any doubts which might exist on the subject and to suggest the reconsideration of reports which may have been made under the misapprehension indicated.

It was also resolved to suggest the formation of a sub-committee in Noakholly.

P. NOLAN,
Secretary.

Proceedings of the Muhammadan Educational Endowments Committee, at a meeting held, 2nd April 1886.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
NAWAB MIR MAMOMED ALI.
MR. AMEER ALI.
HON'BLE ABDUL JUBBAR.

THE reports received since the last meeting, in reply to the Committee's circular No. 1, dated 22nd December 1885, from the Commissioners of Dacca, Chittagong and Bhagulpore, were read. In reply to the Commissioner of Dacca it was resolved to observe that it was represented that the local Sub-Committee were said to entertain doubts as to whether the six endowments named on the margin should be considered as in part educational in their object. The Committee have read the sunnud constituting the Shaik Sahib endowment, and find that it contains no provisions for education. If the other sunnuds are to the same effect, no doubt need be entertained as to their purport in this respect; if they differ from that forwarded, the Committee would wish to be favoured with copies, at least of their operative clauses.

1. Shaik Sahib.
2. Sajid Mahomed Quazi.
3. Sagir Mahomed Shaikh.
4. Abed Shah.
5. Sadiq Shali
6. Quatub Sayyid.

It is stated that, besides the endowments specified, there are numerous private endowments in the district in regard to which no enquiry could be made owing to the absence of papers regarding them in the Collectorate, and the impossibility of collecting information otherwise in the short space of time allowed. If by private endowments it is intended to designate educational bequests left by private individuals, the Committee request that enquiry may be made on the subject, and the result reported before the 1st of July. It is not expected that all such endowments can be discovered, if they are numerous, but a few might be examined as specimens, and the ground for assuming that this existed might be specified. The Committee are very unwilling to accept general statements as to the existence of undiscovered educational endowments unless particular instances are given. This remark applies also to the district of Noakhally, where it has been requested that a Sub-Committee should be appointed. It is stated that there are a large number of endowments of a character partly educational, yet the only foundation specified is one previously known to the Educational Department. It is well known that some authorities assert that such educational endowments exist in great numbers, while others altogether deny that such is the case. The object of the present enquiry is to bring this issue to a practical test, by the careful examination of particular instances.

The President asked Mr Ameer Ali to favour the Committee with the views of the gentlemen with whom he acted as to the form which the recommendations of the Committee to Government should ultimately take.

Mr. Ameer Ali said he would formulate their views in a written representation. He was in favour of appropriating funds which could not be utilised at the institutions at present maintained by endowments to the foundation of hostels and scholarships, and the payment of students' fees, so as to enable Muhammadans to attend the best English schools.

Mr. Nolan explained that this was exactly what was at present done with the Mohsin Fund, so far as it could not be spent on the Hooghly Immambarah.

Hon'ble Abdul Jubbar remarked that many of the foundations were strictly local.

Nawab Mir Mahomed Ali observed that in most cases it was at the discretion of the Mutwalli to administer the funds as he thought fit, in the interests of the foundation.

The President said that the Muhammadan law was very elastic in this respect, the Cazee could always interfere to adjust and regulate, and this power would cover such action as that recommended by Mr. Ameer Ali.

Mr. Nolan thought that if Mr. Ameer Ali's view was adopted, it could be carried out only by appointing some body with powers similar to those of the Charitable Commissioners of England. The legislature could never deal directly with each of the endowments.

Mr. Nolan moved that representation be made to Government on the subject of the working of section 539, Civil Procedure Code. The reports before the Committee indicated that many public officers, as well as persons directly interested, believed that considerable funds left for educational purposes were being diverted to private uses, and it was alleged, apparently with truth, that the assistances of the courts was not invoked in such cases through fear of the expense. Now, it should not be necessary for any private individual to

come forward to prevent money assigned for educational purposes from being embezzled, nor did he understand that such was the intention of the law. Section 539 of the Civil Procedure Code, as amended by Act XIV of 1882, gave the Advocate-General the right to act *ex-officio* in such cases, and it would seem that he should so act at the public cost. The fact that under the penultimate clause of the section quoted, the power to bring such suits may be delegated to District Collectors clearly indicates the intention that they should be conducted at the expense of Government. Mr Nolan, therefore, wished to move Government to permit the Advocate-General to exercise a discretion in the matter, and to bring suits for the defence of Muhammadan educational endowments at the cost of Government when he considered that there was sufficient reason for adopting the course

Mr. Paul said he believed this was the intention of the legislature, and that public interests in educational matters should be defended at the public cost. As Advocate-General he generally confined himself to giving authority to those interested to sue ; only once had he interfered *ex-officio*, and in that case his expenses were guaranteed by private persons. He thought it would be well if Government were to pay the expenses in certain suits.

It was decided, on the motion of Mr Nolan, not to refer for enquiry by local officers information as to endowments received after the last day of April.

P. NOLAN,
Secretary.

Proceedings of a Meeting of the Muhammadan Educational Endowments Committee, held on 28th July 1886.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
MR. AMEER ALI.
NAWAB ABDUL LATEEF, KHAN BAHADUR, C.I.E.
HON'BLE ABDUL JUBBAR.
P. NOLAN, ESQ., *Secretary.*

MR. NOLAN laid before the Committee a draft report to Government showing the progress made up to date, and the proposals under consideration.

Nawab Abdul Latif drew attention to the following passage in paragraph 10 of the draft :—

"As far as the Committee are informed, the administration of this fund has been judicious, and it has certainly done much good; but it seems desirable that the Muhammadans themselves should in future exercise some control over the expenditure." The Nawab quite agreed that the Mohsin Fund have been judiciously administered in recent years, and he thought that a great deal of harm would be done if the power of control were transferred to a Committee. The members of the Committee might know nothing of the business they would have to transact. Applications come in from all quarters for grants from the fund, and influence would be brought to bear on Committee members to favour one district rather than another. Under a system of Committees, power would fall too much into the hands of English-speaking Muhammadans, who did not sufficiently represent the masses.

Mr. Nolan said that there would be no regular or satisfactory work for a Committee to do unless it dealt with the Mohsin Fund, which was in fact the Exchequer from which the expense of Muhammadan education in Bengal was defrayed.

The Hon'ble Abdul Jubbar remarked that as Government had taken over the management of this fund, Government might retain the charge. The spirit in which these questions were treated by some young men of the day was illustrated by the recommendation of a meeting held at Arrah, as reported in the eighth paragraph of the Commissioner's letter of the 7th April: "The proposal," it was said, "which the meeting would make for the consideration of Government was that the law governing the Muhammadan endowments be modified." The Muhammadan law of endowments was a part of the Muhammadan religion, and the speaker repudiated the proposal to change it.

The President said that the proposal as to the Mohsin endowment might be modified, and it should be clearly intimated that the suggestion was made tentatively for discussion.

Mr. Ameer Ali said that before accepting such a proposal, he would wish to consult his friends, but he was inclined to view it with favour, and certainly thought it should remain in the report. He protested against any statement which implied that Muhammadans who knew English did not adequately represent their co-religionists.

Mr. Nolan said he could alter the draft so as to intimate that Nawab Abdul Lateef and the Hon'ble Abdul Jubbar objected to the proposal; also that the other members merely thought it deserved consideration. This course was approved.

The President then drew attention to the last two sentences in paragraph 7, in which doubts were expressed as to whether certain endowments in Balasore were not of a purely religious character, and enquired whether the passage commended itself to the Committee.

The Hon'ble Abdul Jubbar said that he considered that these foundations were religious. All old foundations were religious inasmuch as, whether educational or not, they were intended for the good of the founder's soul. It was otherwise with modern endowments made by persons under the influence of liberal ideas.

The President said that, although the motive with which an endowment was made, might be religious, yet, if the object was worldly, as the feeding of the poor, the foundation should be classified as secular. The distinction was of importance as the Legislature had adopted the policy of abstaining from interference in the management of religious endowments.

Mr. Ameer Ali expressed an opinion that, secular or religious, all endowments for the public good should be protected.

It was agreed to cancel the sentences to which objection had been taken.

At the suggestion of Nawab Abdul Lateef it was agreed to recommend the extension of the Committee's appointment to the close of the year.

P. NOLAN

Secretary.

Proceedings of a meeting of the Muhammadan Educational Endowments Committe, held on 28th December 1886.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
MR. AMEER ALI.
NAWAB ABDUL LATEEF, KHAN BAHADUR, C.I.E.
HON'BLE ABDUL JUBBAR.
NAWAB MEER MAHOMED ALI.
P. NOLAN, ESQ.

THE President observed that Mr. Nolan's note gave an accurate statement of the general result of the enquiry conducted by the Committee. From the decision passed by the High Court after hearing the argument of Mr. Ameer Ali in the Sasseram-Khanka endowment case, it appeared that under the existing law an endowment might be treated as religious, though the deed by which it was constituted contained some provision for education. The speaker proposed that in such cases power should be given to the Civil Courts, on application made, to separate the educational from the religious portion of endowments, and to make separate provision for each, just as similar powers had been given to the Board of Revenue by Act XX of 1863. As to Nawab Meer Mahomed Ali's recommendation for the appointment of a Standing Committee, it might be adopted, but much of the real work would always have to be done by Government.

Mr. Nolan pointed out that under section 539, Civil Procedure Code, a Civil Court had at present the power, "whenever the direction of the Court is deemed necessary," to declare the proportions in which the objects of an endowment are entitled, and settle a scheme of management. He did not see what new jurisdiction the proposed law would confer. Did the President intend to suggest any principle according to which the division should be made? If left to their own guidance, the Courts would act as at present, and education would not be promoted

The President replied that he would make the procedure cheaper and more summary than under section 539, and he would require no proof of fraud. The principle of division should, he thought, be to give the surplus to education after making a sufficient provision for all religious objects.

Mr. Ameer Ali stated that he quite agreed with the President as to the desirability of simplifying the procedure in endowment cases. The supervision of endowments was a regular part of the duty of Government in Muhammadan countries. The officer charged with that function was in Turkey called the Nazir-i-Awkaf. But the executive should not have power to divert the course of endowments, lest officers should apply the funds to objects in which they took an immediate interest without due regard to the terms of the foundation.

Nawab Abdul Lateef, Khan Bahadur, stated, speaking generally, a Muhammadan endowment originated in the act of some pious person who built a mosque during his lifetime, and on his death, being, perhaps, without the blessing of children, left a foundation to maintain it, devoting so much for lighting it, and so much for the maintenance of *talib-ul-ilm*—seekers of knowledge. The mosque is often at a distance from any town, and it is desired that some persons should reside in it to pray. The *talib-ul-ilm* are such persons, and their residence was contemplated by the pious founders. If the money assigned for them is to be taken away, and devoted to education elsewhere than in the mosque, who will remain to pray?

Mr. Ameer Ali stated that he did not understand Mr. Paul's proposal as referring to purely religious endowments, but where there was an intention, expressed or implied, on the part of the founder, that a part of the income should be devoted to education, then the principle could be applied. Everyone now studied English and Bengali. Nawab Abdul Latif, Khan Bahadur, was himself an advocate of this. The *cypres* doctrine was applied to the utmost extent in Muhammadan law, and it would be perfectly consistent with that system to assign for the support of schools money left for the education of students. The word *talib-ul-ilm* meant any seeker of knowledge or student, and was not confined to theological students.

The President said he did not see much advantage from the residence of idle *talib-ul-ilm* at mosques, when they might be acquiring a useful education elsewhere. He would leave purely religious endowments alone, and referred only to those of a mixed character. The contention that money assigned for the maintenance of students could not be devoted to secular education seemed to touch the root of the Committee's business. It was not clear how there could be any improvement if this position were maintained.

Hon'ble Abdul Jubbar produced Hughes' Dictionary of Islam in which *talib ul-ilm* is described as "a term generally used for a student of Divinity." In this case we should distinguish between our ideas of education and those with which pious founders made provision for students in endowment deeds. It was certain that the founders of former generations contemplated an education of a character different in its essence from that given in our schools. He knew a case in which such a founder, managing his own endowment, refuse to support students if they learned Bengali. The prejudice against English education survived in certain classes; he knew a mukhtear who refused to give his son such an education. Men of the present day might found institutions for education of the modern type, and they did do so, as our proceedings prove. But they should not interfere with the bequests of dead men. He had no objection to supervision of endowments, but opposed the diversion of funds from religious to English education.

Nawab Meer Mahomed Ali enquired what was the word for a secular student, if *talib-ul ilm* meant a theological student?

Nawab Abdul Lateef replied that he knew of no specific designation for a secular student, and did not maintain that *talib-ul-ilm* always meant Divinity students, but that it bore that significance in our endowment deeds. This could be proved by witnesses.

Mr. Nolan said that Mr. Paul's proposals were new to the Committee, and having been examined in a preliminary discusssion, their further consideration might, with the permission of the President, be postponed. He was not sanguine as to the benefit of simplifying the procedure for trying endowment cases. These almost always involved questions of private claims to the property, which had to be regularly tried, if any case had to be; while such work as the framing of schemes of management was at present, he understood from the High Court's action in the Bruce legacy case, done in chambers, in the most convenient way. The proposal to devote to secular education all the proceeds of mixed endowments not needed for religious purposes was very important, and would, if adopted, lead to large financial results. He presumed that no attempt would ever be made to supersede religious education in mosques where such was in fact given. But apart from this would not a proposal to constitute education the residuary legatee of all endowments, after specific bequests had been carried out be unfavourably received by the Muhammadans as a body? In matters which might be taken as trenching on religion, great caution should be observed, and it was desirable not to proceed in advance of public opinion. There was another aspect of the case which had not been discussed,—that of the mutwallis, or hereditary managers, who now often acted as residuary legatees, taking the surplus profits of endowments after providing for specified objects. How would their claims be reconciled with making over this same surplus to education?

Mr. Ameer Ali replied that the principle would apply only when the manager was left a definite provision as one-ninth of the profits, and certainly not to cases where he was entitled to the whole surplus.

Nawab Abdul Luteef, Khan Bahadur, stated that Act XX of 1863 had occasioned much embezzlement, and he was strongly in favour of its repeal and the reversion to the old system, under which endowments were managed by local agents, including the Collector.

Nawab Meer Mohamed Ali explained that he had advocated this in his memorandum before the Committee.

Mr. Amir Ali said he was not prepared on the present occasion to give an opinion on this matter, which referred to religious as well as secular endowments, and was beyond the scope of the Committee's immediate functions.

The Committee then proceeded to discuss the proposal af Nawab Meer Mahomed Ali, in his memorandum, that a standing Committee should be formed for the supervision of secular or educational endowments, and the several questions as to the functions of such a Committee put in Mr. Nolan's note. Nawab Abdul Lateef and the Hon'ble Abdul Jubbar opposed the appointment of such a Committee, which was supported by the President, Mr. Ameer Ali and Nawab Meer Mahomed Ali. Mr. Nolan was in favour of the appointment only in case the Muhammadan community generally approved, of which he at present saw no adequate proof. On the supposition that a Committee should be appointed, the following answers were given to the questions put in the note:—

Questions.	*Answers.*
1. Nawab Meer Mahomed Ali suggests the formation of a Standing Committee for the supervision of secular or educational endowments All the subsequent proposals assume the appointment of such a body, and deal with its functions.	1. A Committee should be appointed.
2 The number of the Commissioners of which such a Committee should be composed has to be considered, and the method of their appointment	2. Five or seven members appointed by Government.
3 Should this Committee deal only with secular as opposed to religious educational funds, and, if so, how are the two to be distinguished? An education designed to qualify the pupil for teaching or ministering religion is generally considered religious; but in the case of Muhammadans the subject is complicated by the absence of a separate class of priests.	3. The Committee to deal with secular funds only.

Questions.	*Answers.*
4. Should the Committee deal only with educational funds, or with all the secular funds of endowments, including those devoted to charitable doles and to the maintenance of travellers?	4. The Committee to deal with all secular funds.
5. The endowed Schools Act of 1869 gives the Charity Commissioners in England power to apply to education, with the consent of the governing body, the funds of trusts made before 1800 for doles, marriage portions, loans, apprentice fees, &c. Mr. Beighton, Judge of Moorshedabad, commends this system for imitation in India. The practical effect would be to render available for education funds now devoted to doles and to the maintenance of *serais* for travellers. In England there is a strong feeling against what was once considered the most obvious form of charity—doles of money or food to the poor; but this sentiment is connected with the system of poor law relief prevalent in England, and may not be applicable to India.	5. No such power should be given.
6. Should the Committee possess powers of inquisition, and, if so, what powers? The grant of such powers is strongly recommended in many of the reports The suggestion in our preliminary report is that the Commissioners might be empowered to call for title deeds of any lands credibly alleged to be held in trust for educational purposes, to summon and examine witnesses, and to delegate these powers to any local Committee presided over by a District Collector.	6. Powers of inquisition should be given, viz., the right to call for documents, and procure attendance of witnesses; these to be exercised through the civil courts, as is done in by Sub-Registrars.
7. Should the Committee have the power to call for accounts, and, if so, of what endowments—of educational purely secular endowments, or of mixed endowments also? And is an endowment to be considered subject to the obligation of rendering accounts where it is exclusively religious according to the foundation deed, but in practice the funds have been in part applied to secular purposes? The case has to be considered of the Bohar endowment, Burdwan, in which the matwalli refuses to render accounts on the ground that "it is quite clear that the calling for an account respecting the endowment is an act of interference which the firman does not allow." In some instances the founder has left everything to the discretion of the manager, and does not seem to have contemplated a call for accounts. In the case of Ghugudanga, Dinagepore, reported in the Commissioner of Rajshahye's letter, dated 2nd July 1886, it would seem that the donor simply made a property worth Rs. 50,000 a year *wakf* providing, among other objects, for the institution of a Madrassa, but never in fact founded the Madrassa. A similar case is noticed in Chittagong, where the *wakf* seems to have been made in fraud of creditors. Where such is the intention, no precise sum is named for the support of the institution, and it will be difficult to say for what amount an account has to be rendered.	7. The Committee should have power to call for accounts from all secular and mixed endowments, the accounts to show all receipts, and the expenditure on public secular objects only.
8. Should the Committee have power of itself to remedy abuses, or merely to bring a suit in the Civil Courts with that object? The right to sue only was at first given to the Charity Commissioners in England; but direct power of control was vested in them afterwards in respect to endowments of less than the annual value of £100. In this country a Committee would be met at every step by the plea that the endowment was religious, or that it was purely property.	8. The right to investigate and report to Government should be given; the suits to be instituted by Government.
9. Should the Committee be vested with the power conferred on the Charity Commissioners by the Endowed Schools Act, to make schemes for the management of schools without the consent of trustees, and, if so, should the confirmation of Government be required to such schemes, as that of the Privy Council is required at Home.	9. No.
10. In England all endowment funds are vested in the official trustee, and his consent is necessary to the transfer of land. Should the land of all secular endowments be entered in the name of the Committee, and their consent be necessary to the validity of all sales or leases for more than 20 years? There are many complaints in the correspondence of the alienation for private purposes of *wakf* lands; and these transfers acquire validity by lapse of time. It is alleged that the High Court is inclined to deal leniently with the claims of purchasers of such lands.	10. On this point there was much discussion, as the advantages of preventing the scandal of the alienation of *wakf* lands was strongly urged, and it was acknowledged that such sales, though illegal, took place frequently, and were validated by the Limitation Act after twelve years' possession. It was thought inexpedient to enter such lands in the name of the Committee, though it would accomplish very effectively the object aimed at, as such a course would cause alarm. As an alternative it was considered that the consent of a Civil Court should be declared necessary to the transfer by sale of *wakf* lands.
11. Mr. Beighton suggests that trusts should be placed under Committees elected by local bodies, such as municipalities. He considers the objection that these bodies are Hindu of no great weight.	11. This course is not approved.
12. Mr. Beighton also proposes to abolish the distinction between public and private trusts, making the latter like the former, subject to the supervision of the Committee.	12. This is unnecessary.
13. Should power be given to the courts to dismiss an hereditary matwalli for mismangement? It is stated by Mr. Beighton, on the authority of a Madras case, that this is not done at present.	13. This is unnecessary. The Courts at present exercise a discretion in this matter.
14. Should the Committee be entrusted with the management of the Mohsin fund, as suggested in our preliminary report?	14. Postponed.

Questions.	*Answers.*
15. From what source are the expenses of the Committee to be met?	15. Postponed.
16. Should District Committees be formed, and, if so, should they be in addition to the Central Committee?	16. Local Committees may be formed in addition to the Central Committees.

It was resolved that future meetings should be held at 8 A.M. on alternate Saturdays.

P. NOLAN,

Secretary, Muhammadan Educational Endowments Committee.

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 8th January 1887.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
AMEER ALI, ESQ.
NAWAB BAHADUR, ABDUL LATEEF, C.I.E.
HON'BLE ABDUL JUBBAR.
NAWAB MEER MAHOMED ALI.
P. NOLAN, ESQ.

THE records of the proceedings of the last meeting were read and confirmed. It was resolved that they should be published.

The following questions, the consideration of which were postponed from the last meeting, were taken into consideration:—

14. Should the Committee be entrusted with the management of the Mohsin Fund, as suggested in our preliminary report?

15. From what source are the expenses of the Committee to be met?

Mr. Nolan explained that the revenue of the Mohsin Fund amounted to Rs. 1,12,072, of which Rs. 56,565 a year was devoted to the support of Muhammadan education in the lower Provinces generally by maintaining Madrassas, scholarships, and Moulvies attached to various English schools; also by paying the school fees of Muhammadans. The distribution was made by Government, on the advice of the Director of Public Instruction. If the control were transferred to the Committee, that body would have definite functions, and a ready means would be provided for meeting the contingent expenses, which would be of small amount—say under a thousand rupees a year.

Nawab Abdul Lateef stated that the educational funds of this endowment were at first devoted to the maintenance of the Hooghly College, which was not a Muhammadan institution. Government had some years ago taken over the cost of the college, and since then had distributed the Mohsin foundation with great care and discretion. The Muhammadans were perfectly satisfied with the present management, and it was therefore undesirable to introduce a change. He had little faith in consultative bodies and committees, under which the majority ruled and no one else was heard. The members might be of the same class as an official, apparently relied on by the Collector of his district as a representative Muhammadan, whose recommendation that all *wakfs* should be abolished was before the Committee. The history of the Mohsin endowment showed the practical use of the old Regulation, since superseded, as under it the malversation of the Mutwalli had been stopped, and a large revenue made available for purposes of general utility. What was wanted was to revive that Regulation. The local agents under it consulted the leading Muhammadans, and were in accord with public opinion. He thought the Commissioner or Collector as local agent should have powers to call small meetings of those interested, relations of the Mutwallis and others, to influence the conduct of the management of endowments. In this matter he spoke as the representative of a large class.

The President observed that if the Muhammadans were divided by differences on questions touching on religion, there might be a difficulty in their working together on a committee.

Mr. Ameer Ali said that there were no such differences. All Muhammadans were in favour of maintaining the Muhammanan law of *wakfs*, and he had always contended that *wakfs* were religious. They were all agreed as to the desirability of preventing malversation. He appreciated Government management; but having seen more of it than most men, he considered that there were objections to it, as it was practically carried out by the Board of Revenue and the Executive. He was therefore in favour of trusting the Mohsin funds to a Committee. On the other hand, he in no way opposed the Nawab Abdul Lateef's proposal as to Government officers in the interior acting with Muhammadans of influence.

Nawab Meer Mahomed Ali explained that it was not in the case of the Mohsin funds proposed that the Central Committee should supersede any local committee, but merely that it should do work now done by Government without the advice of those concerned.

The Hon'ble Abdul Jubbar said that, in the case of the Mohsin fund, we should let well alone. He had no faith in associations or committees.

After some further discussion as to the practicability of making other endowments contribute to the expenses of the Committee, it was resolved (Nawab Abdul Lateef and the Hon'ble Abdul Jubbar dissenting) that the management of the Mohsin educational funds should be entrusted to the Central Committee, without interference with the Committee now managing the religious funds of that institution, and that the cost of the Committee might be defrayed from the Mohsin educational funds.

The President's proposal for the conferring on civil courts of power to separate the educational from the religious portion of mixed endowments, on the principle of assigning for education all the surplus, then came under consideration.

Mr. Nolan pointed out that the proposal was similar to one made by Mr. Ameer Ali at their meeting of the 2nd April. He had then, at the request of the President, undertaken to formulate in a written representation the views on the subject of the gentlemen with whom he acted. Such a statement, coming from a representative source—indeed, from those whose suggestions were the origin of the Committee—would form the best basis for discussion.

Mr. Ameer Ali undertook to supply such a statement at the next meeting, and the consideration of the subject was adjourned. The President observed that Nawab Abdul Lateef had also expressed distinct views, and requested him to reduce them to writing. To this the Nawab assented. Nawab Meer Mahomed Ali observed that he hoped the question would be considered of the disposal of surplus funds where all the specified objects of the endowment had been fulfilled.

The Hon'ble Abdul Jubbar presented copies of his opinions as to the meaning of the word *talib-ut-ilm* to the effect that it designated religious students, and moved that the opinions of the most pious and learned Muhammadans be taken on the question what interpretation should be put on that word when used in deeds of endowment by the Muhammadans of Bengal.

Mr. Ameer Ali did not object to an enquiry as to the meaning of the word generally—it spoke for itself, being simply the compound seeker-of-knowledge. But he strongly deprecated an enquiry as to what significance it bore in legal documents, the construction of which was a question for the courts.

The Hon'ble Abdul Jubbar said it meant a seeker of *ilm*, that is, knowledge of divine subjects, Mr. Ameer Ali observed that the Caliph Haroun Alraschid, in pursuit of *ilm*, had sent for Aristotle and other Greek books, and even made war to obtain them.

Nawab Abdul Lateef thought that the enquiry should be made, as he and another member of the Committee wished for it, and had a right to collect such evidence as they considered relevant to their case. Mr. Nolan concurred.

The President thought that, as a legal officer appointed to preside, he had a right to object to a question which was perplexing, embarrassing, and confusing.

It was resolved that the question should not be put.

The next meeting was fixed for the 29th January.

P. NOLAN,
Secretary, Muhammadan Educational Endowments Committee.

Proceedings of the Muhammadan Educational Endowments Committee, at a meeting held on the 7th February 1887.

PRESENT:

THE HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
NAWAB BAHADUR ABDUL LUTEEF, C.I.E.
„ MIR MAHOMED ALI.
HON'BLE ABDUL JUBBAR.
MR. AMEER ALI.
„ P. NOLAN.

A memorandum of the Committee of the Central National Muhammadan Association, and a reply by the Hon'ble Abdul Jubbar, dated the 7th February 1887, were read. Copies of these papers are appended to the proceedings.

The President observed that the Hon'ble Abdul Jubbar in his note drew a distinction between religious and secular education. This was not known to the Regulations, which, in dealing with endowments, made the distinction between religious objects and secular, apparently including education of whatever kind under the latter head. Education should be dealt with as one subject, and the religious element could not be excluded.

The Hon'ble Abdul Jubbar quoted in reply a *hadis* or tradition from Meshkat, which declared that *ilm*, or knowledge, was of three kinds—the *koran*, tradition, and the interpretation of these, all the rest being unnecessary.

Mr. Ameer Ali moved that the six recommendations in the memorandum should be considered one by one.

Nawab Abdul Luteef proposed, as an amendment, that a copy of the memorandum be sent to the Muhammadan Literary Society for the favour of an expression of opinion. He was not as yet prepared to pronounce on these important proposals, and could take no part in any discussion which might take place as to them.

Mr. Nolan said that by adopting the Nawab's proposal, Mr. Ameer Ali would gain time to elaborate the plan of the Central National Muhammadan Association, which was at present a mere outline. For instance, it was proposed "to simplify the procedure at present existing as to the institution of suits," no details being given as to how this was to be done. But what simplification of procedure would be advantageous in endowment suits that would not apply to all litigation? This should be clearly explained. It was also proposed to appoint a special officer in each district to institute and conduct endowment suits; but was not this the business of the Government Pleader? The third suggestion was that "educational funds" should be under the control of a Central Committee; was this to apply to such endowments as that of Akhtarannissa Khatoon, by the touliutnamah of which it is provided that "the students shall receive only religious education in Muhammadanism?" The fourth proposal was to give the Civil Courts "the discretion vested in the Kazi under the Muhammadan law." What was this discretion? Section 539 of the Civil Procedure Code seemed to give the Civil Courts absolute power in regulating the execution of the pious founder's wishes, and a Kazi could have no more. Then it was proposed to create District Committees to advise and "to exercise a general supervision:" it would be well to state definitely the powers of these bodies. It needs no law to authorise the proffering of good advice, of which we all get enough, and a power of general supervision seems a vague phrase. The last proposal imposed on the trustees of religious as well as on those of secular endowments the obligation to rendar annual accounts to a Central Committee. He had at one time to receive and examine the accounts of the four or five endowments under the Board of Revenue, and it was no easy task. Religious endowments existed in hundreds. Was the Association prepared to recommend the establishment of a large central office for their supervision, and would the Advocate-General consent to preside over a Committee having such laborious functions?

The President observed that a more summary procedure would diminish the cost and delay of this form of litigation. The employment of a special officer would assist the Government Pleader of the district. The President would give the Central Committee control over all endowment funds assigned for education, whether the instruction given was or was not religious. The Committee's power should, however, be exercised in accordance with the testator's expressed wishes: thus funds left for religious education should not be appropriated to secular education. The right of general supervision to be conferred on District Committees would give the members the right to make local inspections, and similar provisions had been found effective in other cases. As to the labours of the Central Committee, he had no objection to preside over such a body, and did not doubt that the necessary establishment would be provided.

Mr. Ameer Ali expressed his general agreement with the President.

The motion of Nawab Abdul Luteef was then agreed to.

P. NOLAN,
Secretary.

No. 117.

COPY, with copy of the memorandum of the Committee of the Central National Muhammadan Association, and of the note by the Honourable Abdul Jubbar, dated the 7th February 1887, forwarded to the Secretary to the Muhammadan Literary Association for the favour of an expression of the Association's opinion.

P. NOLAN,
Secretary to the Muhammadan
Educational Endowments Committee.

BENGAL SECRETARIAT,
The 11th February 1887.

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 9th March 1887.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
„ ABDUL JUBBAR.
NAWAB BAHADUR ABDUL LATEEF, C.I.E.
P. NOLAN, ESQ.

THE minutes of the meeting of the 7th February 1887 were read and confirmed.

The following statement by the Secretary was read—

"There are now three schemes before the Muhammadan Educational Endowments Committee, and it is desirable to decide at an early date whether any of them will be adopted and worked out in detail.

The first was embodied in our preliminary report to Government, dated the 30th July 1886, and was subsequently approved at two meetings, Nawab Abdul Lateef and the Hon'ble Abdul Jubbar dissenting. It provides for the appointment of a Central Committee, under the presidency of the Director of Public Instruction, with powers to administer the income of the Mohsin endowment available for education (Rs. 56,565 a year), to control the expenditure of other educational endowments, to call for annual accounts, and compel the production of deeds and evidence as to mixed endowments.

The second scheme is that of the Central National Muhammadan Association, and I understand it is now supported by three members of the Committee. It contemplates the appointment of a Central Committee under the presidency of the Advocate-General, with power to direct the expenditure of all educa-

tional funds of Muhammadan endowments, to supervise religious endowments, and to require from them annual accounts. It includes, moreover, the simplification of the procedure in endowment suits, the conferring on Civil Courts of new powers in such cases, the appointment of an officer in each district to look after suits of this character, and of a Committee, with the Collector as President, to advise mutwallis and exercise a general control, which is not to be inquisitorial.

The third proposal, which is connected with the names of Nawab Abdul Lateef and the Hon'ble Abdul Jubbar, is that Regulation XIX of 1810 should be revised, with a view to imposing on Government the duty of supervising through the Board of Revenue and District Officers, with the advice of local Muhammadans, the administration of all endowments according to the wishes of the pious founders. This is opposed by the Central National Muhammadan Association.

The two first schemes resemble each other in including the supervision of secular endowments by a Central Committee presided over by a Government official; the two latter in recommending the control of religious endowments."

A letter was received from Mr. Ameer Ali, applying that further proceedings might be adjourned, pending the receipt of a promised communication from the Muhammadan Literary Society in reply to the proposals of the Central National Muhammadan Association.

The President observed that, while it was desirable to grant the adjournment, the preparation of the reply might be expedited. He would be glad if the Muhammadan members would come to an understanding among themselves, as otherwise Government would hardly be expected to take any decided action. Perhaps Nawab Abdul Lateef might be able to accept the proposal to supervise endowments by a Committee or Committees. If he adhered to his preference for official control, that might be vested in a special officer, more or less independent of Government. The policy of direct Government supervision had been definitely abandoned, and it was useless to advocate a return to it.

Nawab Bahadur Abdul Lateef replied that in these days it was difficult to secure an adequate supply of men duly educated in Arabic and the ceremonial law to meet the requirements of Muhammadans. To some extent this need was met by the endowments. If their administration were confided to Committees, the more advanced Muhammadans who had received an English education would acquire a control, which they would probably use to divert the funds to supporting purely secular education. As to a special official, there would be a difficulty as to his pay, and after all he would merely represent Government as much as the authorities named in Regulation XIX of 1810. It seemed safer to trust Government than to confide in new institutions. He would not object to the appointment of educational officers as Local Agents under the Regulation.

After some further discussion the meeting adjourned.

P. NOLAN,

The 9th March 1887. *Secretary.*

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 19th April 1887.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
NAWAB ABDUL LATEEF, C.I.E.
NAWAB MEER MOHAMED ALI.
HON'BLE ABDUL JUBBAR.
P. NOLAN, ESQ.

A LETTER from the Muhammadan Literary Society of Calcutta, dated the 14th March 1887 was read.

Nawab Meer Mohamed Ali represented that this communication had been in his hands only six days, and moved that its consideration be deferred to give the Central National Muhammadan Association time to reply; also that the reply, when received, be published with the proceedings.

The motion was agreed to.

The Hon'ble Abdul Jubbar submitted the following *futwah* for the consideration of the meeting.

What is the verdict of the learned men of the Holy Muhammadan law on the following question:— Where a Moslem makes a *wakf* of certain lands for the *talibul-ilm* [*i.e.*, students or seekers after learning], is the income thereof to be devoted exclusively to students of religious knowledge, or generally to students of any knowledge, *i.e.*, whether the same may also be given to students of the English language? Please answer this according to the principles of the Holy Muhammadan law. May God Almighty give you good recompense for it! He is the Helper!

The income thereof shall be given exclusively to students of religious learning, as would appear from what is mentioned in the *Fatawa Alumgiree*:—"And if one were to make a *waseyut* [testamentary disposition] in favour of the learned people of such and such town, it would include persons learning *Figah* Muhammadan Law] and *Hadis* [traditions of the prophet], and it would not include those who discuss religious matters philosophically." *Finis.*

And God is all-knowing!

Written by Abool Ahya,
Mohammad Nayim,
May he be forgiven,
By God the great and wise,
21 J. 2, [21st of Jamadil Akhra] 1304.

The answer is correct. Written by Abool Ghena Mohammed Abdool Majid; may he be forgiven by God, who is above.

24-J-2-1304.

Seal of
Abool Ghena
Mohammed
Abdool Majid.

The answer is correct, and God knows best what is right. Written by him who expects forgiveness from God, who is above. Abool Hamid Mohammed Abdool Hamid, may God forgive his sins and conceal his defects.

27-J-2-1304.

Seal of
Abool Hamid
Mohammed
Abdool Hamid,
1300.

This *futwah*, he stated, explained the position he and his friends adopted towards proposals for providing English education from the funds of ancient endowments. He had no objection to English education, on the contrary, he maintained some twelve students of English in his house. He wished to see new scholarships founded to promote secular education. But the old endowments, in so far as they contained any clauses in favour of education, were designed only for religious education. There were several obligations imposed on Muhammadans as prayer, fasting, pilgrimage; and religious education was one of them. To assist in giving such education was distinctly a religious act for the good of the soul. These foundations discharged an useful function, inasmuch as in every country it was advisable to maintain men of religious learning. These funds should not be perverted to an alien use. In this he expressed not only his own sentiments, but those of the Muhammadans interested in such subjects as a body, as might be ascertained by enquiry at any Mosque.

Nawab Mir Mahomed Ali said that *futwas* could be produced on both sides of this question, and who was to decide as to their weight? Perhaps the President would be good enough to do so. As to popular opinion, those who gained by the embezzlement of endowments were opposed to supervision, and they alarmed others by false statements as to the nature of the action proposed. The real defect was not the application of secular funds to religious uses, but their embezzlement by private persons. He understood that all Muhammadans were in favour of some authoritative supervision of the endowments, secular and religious. When the religious objects of a foundation were adequately provided for, why should not the surplus be assigned to education?

Mr. Nolan observed that the question which the *futwah* before them professed to answer was "where a Moslem makes a *wakf* of certain lands for the talib-ul-ilm (students), is the income thereof to be devoted exclusively to students of religious knowledge?" But the point for the decision of the Committee was more complicated than this, as there was no such thing, in fact, as an endowment "for students," without further indication of the founder's intentions. The Committee had received forty-one *touliutnamahs*, founding endowments supposed to be to some extent of an educational character. Except in the case of a few modern foundations, these always stated that the endowment was left to maintain a mosque, tomb, khanka or mausoleum; and where education was mentioned, it was as a subsidiary object, to be promoted together with the relief of travellers and so forth, in connexion with the mosque or other such institution. In nineteen cases, including those of the Mohsin and Sasseram endowments, where so much had been done to promote learning, education was not mentioned at all, and expenditure on it could be reconciled with the foundation deed only in so far as education is an adjunct to religion. The trustee might be permitted, if so minded, to spend money left for a mosque or a school attached to the mosque, but he could not be compelled to do so; at the most he had a discretion. The speaker considered that it would be a difficult and invidious operation to separate the funds thus assigned for religious education from the religious endowments, of which they formed a vital part, and to devote them under the supervision of a Central Committee to a secular purpose. As to using the surplus funds of religious endowments for secular purposes, this was what had been done in the case of the Mohsin and Sasseram foundations, but it could hardly be defended as a general principle. The surplus of funds left for religion should be given to religion.

The President expressed a belief that the educational funds of an endowment could be separated from the religious more easily than Mr. Nolan thought. For instance, there was the small endowment of Rahman Bibi, No. 4 on their list, left "to be spent in Ramzan, the two Eeds, the Fateha Doazdaham mohurrum, and the shab-i-barat on charity, saving the poor and hungry from the severe pains and tortures of thirst and hunger, and on the maintenance of students." Why could not the amount left for maintaining students be spent on students of English? In Syed Ali Ashruf's endowment, No. 6, the money was left for "hospitality, charity, doles, medicines, maintenance of school and mosque, and other good and virtuous acts." In No. 8 Rs. 50 a month was assigned for the support of a Madrassa.

It was true that in many cases the *touliutnamahs* left the trustee a discretion to spend the money much as he pleased, and in these it would be difficult to compel him to support secular education.

The *fatwa* he considered of great importance, and he would like a reference to the authority quoted in it. Having indicated a necessary correction in the translation, he stated that he would like to see the opinion given there, examined, as, if true, it seemed inconsistent with any action in the direction of applying the funds of foundations to English education.

Nawab Bahadur Abdul Lateef said that the Muhammadan Literary Society had been instrumental in procuring most of the modern foundations for English education. Why then should its members oppose a proposal to get as much money as possible for that purpose from the old endowments, except under the influence of a conscientious belief that such a course would be inconsistent with the wishes of the founders and with Muhammadan law? The first of the endowments specified by the President was religious, inasmuch as it was to be spent at religious festivals, and as it was provided that no impious man should remain mutwalli. The education contemplated was an inseparable part of the religious bequest. The other two cases quoted by the President were those of modern foundations, and in them there was no room for reform, as the money left for education was duly spent on it.

Mr. Nolan then proposed that Government be moved to extend the term of the Committee which expired with the month of March to the end of July. The facts had been ascertained, and opinions on them had been formed, so that the Committee was now in a position to report. But the Government of India had desired the several Presidency Committees not to report without consultation among themselves, and it was therefore necessary to await the result of the investigation which was being made in Madras. This was the less objectionable, as the continuance of the Committee did not involve any expense whatever.

The President observed that the proposed extension was necessary, but that he saw little prospect of the Committee being able to recommend any useful action. Government was opposed to what the Muhammadans desired—the general supervision of all religious endowments, and the enquiry seemed to show that in the face of the *futwahs* produced, of the facts disclosed, and of the strong opinion entertained by an influential section of the community it would be undesirable to separate the educational from the religious portions of the endowments, with a view to a distinct system of regulation and control. The motion was agreed of.

P. NOLAN,

Secretary, Muhammadan Educational Endowments Committee.

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 30th July 1887.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
AMEER ALI, ESQ.
NAWAB BAHADUR ABDUL LATEEF, C.I.E.
HON'BLE ABDUL JUBBAR.
P. NOLAN, ESQ.

Read the following proposal as to the form of report:—

"I will at the meeting take instructions for drafting the report, which will afterwards be circulated for the consideration of members. It will be necessary to embody in the report all the information as to endowments collected by the Committee. The proposals of the Central National Muhammadan Association can be given as nearly as possible in the words of the Secretary of that body, and the reply of the Muhammadan Literary Society can be treated in the same manner. With regard to our finding as a body, I fear that it must be stated that no proposal hitherto made for the supervision of Muhammadan educational endowments, as distinguished from Muhammadan endowments generally, has commended itself to the majority of the Committee. Purely educational endowments, such as the scholarships attached to the Calcutta Madrassa, are already very fairly looked after, there being no complaint on this head. The Muhammadan members of the Committee, who form the majority, are, I believe, unanimously in favour of the supervision of endowments of a mixed character, as well as of those purely religious, by Government, in conformity with the provisions of the Muhammadan law on the subject of *wakfs*. But after prolonged consideration, the Committee have been unable to agree upon any scheme for exercising improved supervision over the educational portion of mixed endowments, without departing from the present Government policy of abstention from interference with the expenditure of the money which should be devoted to religious purposes. Some of the Muhammadan members consider that the educational funds can in the case of mixed endowments be distinguished from the rest of the income and separately supervised by a Central Committee and local bodies; while the possibility of pursuing such a course with advantage is denied by others. For myself, I must vote against the proposal; as, although I would have been glad to have seen it adopted by the Muhammadan community generally, I do not think

that it could be practically carried out in the present state of public opinion on the subject. The religious and educational funds of what we call for the convenience of discussion, the mixed endowments, are not distinguished in the deeds by which these foundations were established, nor in the actual administration of the institutions, nor in the Muhammadan law, nor in the minds of Muhammadans uninfluenced by western culture. To separate them would be a difficult and delicate task, which I for one would be unwilling to see undertaken in the face of strong opposition from any section of the community. I believe this view is also that of the President, and if so, there is a majority against taking action in the direction indicated by the Central Muhammadan Association.

"There is one point on which I hope we may come to an agreement, although we have not done so hitherto, and that is the supervision of the educational funds of the Mohsin endowment. These have already, by a happy accident, been separated from the rest of the foundation, and are administrated by Government. They are of sufficient importance to repay the attention of a Committee, amounting to Rs. 56,565 a year. They are assigned annually at discretion for the promotion of Muhammadan education generally throughout Bengal. The Director of Public Instruction has taken up the proposal provisionally adopted at one of our meetings, and warmly advocates the appointment of a Committee as an administrative necessity. Thus supported, the Committee may adhere to its original proposal upon the subject."

2. The President remarked that he would have been glad, had it been possible, to have protected the secular portion of the Muhammadan endowments, thereby making a provision for education. He doubted the complete accuracy of the statement that religious and educational funds of endowments were not distinguished in actual administration. Otherwise he agreed in the instructions proposed for the report.

3. Mr. Ameer Ali objected to the latter part of the sentence as to the absence of distinction between religious and educational funds, and in particular to the reference to Muhammadans uninfluenced by western culture as not observing this distinction. The distinction had been drawn by Government. He thought that under existing circumstances it was not desirable to appoint a Committee for the Mohsin Fund, as the leading Muhammadans had become so divided in opinion that the Director of Public Instruction could derive little benefit from their co-operation. Government could administer the fund on its own responsibility.

4. Nawab Bahadur Abdul Latif, in agreeing for himself and the Hon'ble Abdul Jubbar to the appointment of a Mohsin Committee, expressed his opinion that it should not be consultative only, but should have complete financial control, the Director of Public Instruction being President.

5. The President wished to have it recorded in the report that the work of the Committee had been useful as awakening an interest in the supervision of endowments.

P. NOLAN,

Secretary, Muhammadan Educational Endowments Committee.

Proceedings of a meeting of the Muhammadan Educational Endowments Committee, held on the 4th January 1888.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *Advocate-General, President.*
NAWAB BAHADUR ABDUL LATEEF, C.I.E.
HON'BLE ABDUL JUBBAR.
P. NOLAN, ESQ., *Secretary.*

A LETTER from Mr. Ameer Ali, and a telegram from Nawab Mir Mahomed Ali were read, intimating that they could not attend the meeting, and recommending that it should be postponed for ten days.

The members present saw no objection to the acceptance, subject to verbal alterations, of the draft report prepared for their approval by the Secretary, but resolved that the consideration of the subject should be postponed until the 20th instant.

At the suggestion of the Hon'ble Abdul Jubbar, the following words were added to paragraph 48 of the draft, to be considered at the next meeting:—

"It terminates with the memorandum transmitted with a letter from the Central National Muhammadan Association, dated the 20th July 1887, to which, at the suggestion of the President of this Committee, no reply was made by the Muhammadan Literary Society, it being thought better to let the discussion drop at the stage which it had then reached."

P. NOLAN,

Secretary, Muhammadan Educational Endowments Committee.

Proceedings of the Muhammadan Educational Endowments Committee at a meeting held on the 20th January 1888.

PRESENT:

HON'BLE G. C. PAUL, C.I.E., *President.*
HON'BLE ABDUL JUBBAR.
MR. AMEER ALI.
NAWAB BAHADUR ABDUL LATEEF, C.I.E.
MR. NOLAN, *Secretary.*

Read a telegram from Nawab Meer Mahomed Ali, intimating that he was still detained by sickness, and requesting that the meeting might be postponed for a week.

Resolved—That the conclusion of the proceedings having been already once deferred on account of the Nawab's absence, the occasion of which the Committee regret, further delay is undesirable.

Read the following dissent from the draft report put in by Mr. Ameer Ali:—

I dissent *in toto* from the conclusions arrived at by the majority of the Muhammadan Endowments Committee. It seems to me that the facts so laboriously collected by the Secretary, for which I cannot sufficiently express my acknowledgments to him, prove conclusively the urgent need of taking effective measures to prevent the extinction of the existing Muhammadan wakf. I am entirely opposed to the suggestion that the Mohsin Educational Fund should be handed over to a Committee. My experience in this Committee satisfies me that such a course will end in total failure. On behalf of the Central National Muhammadan Association, I beg to enter therefore a protest against the suggestion.

The President remarked that in the face of this decided expression of opinion, it was desirable to reconsider the recommendation in the draft, that the management of the Mohsin Fund should be entrusted to a Committee to be presided over by the Director of Public Instruction. For himself he was inclined to adhere to that recommendation. He found it useful in dealing with Muhammadan law cases to consult Muhammadans of legal experience before arriving at a decision, and he believed that the Director of Public Instruction would derive similar advantage from the co-operation of Muhammadans in distributing a fund designed for their benefit.

Mr. Ameer Ali considered that the differences which prevailed among Muhammadans even as to matters of principle connected with education would make the co-operation of such a Committee a source of embarrassment rather than of help.

Hon'ble Abdul Jubbar had always doubted the expediency of forming a Mohsin Fund Committee. The present working of this Fund being satisfactory might very well be let alone; and it was uncertain whether the right men would be appointed members of a new Committee The Muhammadans would prefer the administration of Government officials to that of a Committee badly constituted.

Nawab Bahadur Abdul Lateef was in favour of adhering to the recommendation for the appointment of a Committee.

Mr. Nolan observed that the considerations in favour of vesting the control of a fund for the encouragement of Muhammadan education in a Committee of Muhammadan gentlemen were of a permanent character, while those advanced by way of objection to the proposal were temporary in their application, and to some extent personal. He suggested that the recommendation might be modified so as to indicate that the present time was not opportune for its adoption. He certainly would not establish a Committee unless there was a preponderence of opinion in favour of such a course among the Muhammadans. To the course thus suggested the Committee agreed.

With regard to the first part of Mr. Ameer Ali's note, Nawab Bahadoor Abdul Lateef observed that it had never been denied that there was a case for legislating for the protection of *wakf* property, taken as a whole. But on that general subject the opinion of this Committee had not been invited by Government. The immediate point was whether special provision could be made for the administration of the educational funds of endowments, as distinguished from the religious funds.

Mr. Nolan expressed his agreement in the above observation. All the Muhammadan members of the Committee were in favour of Government supervision of endowments generally, and the difference of opinion, if any, was on the point whether, assuming that it was impossible to exercise such supervision over religious institutions as a whole, such institutions could nevertheless be placed under control in respect of the part of their funds spent on education.

The adoption of the report, subject to such verbal alterations as the Secretary might think fit to make in correcting the proof, was then carried.

P. NOLAN,

Secretary, Muhammadan Educational Endowments Committee.

APPENDIX II.

Nazir Dost Mahomed Khan's Endowment.

In these auspicious times the gracious and to-be-obeyed *firman* is issued to the effect following:—

That mouzah Ararih, &c., in pergunnah Lashkarpore, &c, Sarkar Narangabad, &c., in the province of Bengal, the income whereof amounts to Rs. 1,080, are hereby, in lieu of the sum of Rs. 3 per diem, granted for the expenses of matting, lighting, and establishment in connexion with the mosque and madrassa established by Dost Mahomed Khan at Lalbag, pergunnah Asadnagore, Sarkar (illegible), and by way of *madad-mash* of the mutwalli, Bedar Ali, and others, the persons in charge of the mosque, from generation to generation, commencing from two-thirds of the Rabi season of the year of *Safal*, as per details hereafter. All authorities, amlas, *jagirdars*, and crories, both of the present and future times, should leave the aforesaid mouzahs, &c., in their possession from generation to generation, and should never make any change and variation in respect of the same. They should never offer any opposition on the score of revenue dues and other charges, such as *kalangah*, *peshkash*, *jurmanah* (fines), *zabetana*, *mohasselana*, *mohurrir and darogana*, *begar*, *shekar*, *moquadami*, *kanoongoi*, annual resumption, dispute as to cultivation, and all royal demands and civil liabilities. They should not demand fresh sanads every year. Should there be any other (document) elsewhere, no reliance should be placed thereon.

Written out this 5th day of Ramzan, in the third year of the gracious reign.

Total 9 mouzas; value Rs. 1,080.

For the expenses of the establishment for the mosque, with matting, lighting, service reading, &c., Re. 1 per day; yearly Rs. 360.

For the expenses of madrassa Re. 1 a day; yearly Rs. 360.

For *madad-mash* (maintenance allowance) of Bedar Ali, Mutwalli, son of Dost Mahomed Khan, Re. 1 per day; Rs 360 yearly.

Bassant Ali Khan's Endowment.

Copy of letter from Nawab Nazir Basant Ali, Khan Bahadur, *to* Thomas Alexander Calf, Esq., *Agent to the Governor-General, dated the 6th Asarh*, 1240 *B.S.*, *corresponding with* 18*th June* 1833 *A.D.*

After usual compliments, I beg to state that as life is short, and this world has no permanent duration, I have in a sound state of body and mind, and in the use of all my legal faculties, willingly and voluntarily have made a wakf of two-thirds of all my movable and immovable properties, consisting of dwelling and other houses, situated in the town of Moorshedabad, as also mehals, mouzahs, and lands, both revenue-paying and revenue-free, and orchards, &c., more fully detailed in the *wakfnamah*, for the mosque, *kadamsharif*, and *enambarah* at Begumgunge as an act of piety; and I have appointed Nawab *Bahu Begum Saheba* and Bahar Ali Khan Sahib, *Nazir* of the *Deori* of the said lady, as mutwallis on my behalf. They shall apply the income thereof to the expenses of the mosque, the *kadamsharif*, and the emambarah. They shall continue to pay all allowances receivable by persons whose allowances in connection with the mosque have been fixed from before, and other employés who have been my attendants from generation to generation in the male and female line. They shall appropriate all the endowed properties abovementioned for the expenses alluded to above, subject to the authority of the officers of the Company's Government. They shall spend the remaining one-third of the properties on my funeral ceremonies *fateha*, *hujja-zearut*, and for the *raddimozalem* (giving back of things unlawfully taken), the feeding of the poor, and other purposes which may contribute to the benefit of my soul in the next world.

I hope that you will be good enough to render every assistance to the carrying out of the above objects, so that no one may raise objections whatever. A copy of both the *wakfnamah* and the *wasijatnamah* will follow. At present I beg to send this for information.

Seal.

Ordered.—Let a reply be written, stating that (illegible) Government cannot act as *gomashta*.

The 24*th June* 1833.

Akhtaran Nessa Khatoon's endowment.

I, Akhtaran Nessa Khatoon, daughter of Moonshi Gholam Rasul Chowduri, deceased, resident of Agla, station Nowabgunge, Mahomedan by religion, occupation talookholder, do hereby declare that this is a supplement to a deed of wakf, executed on the 8th Katic, 1273B.S., granting my landed property for the good of my next life, in which the statements made for the legitimate expenses do not comprise by a mistake the expenses regarding our religious house of worship, viz, the mosque and others. It is therefore a supplementary deed authorising the accounts of expenses in the following manner:—

1. A mosque which has been erected upon the resident house of my father, Munshi Gholam Rasul Chowdhuri, deceased, standing in a lane of mahallah (quarter) zindabazar in the sadar station of this city Dacca, a reservoir holding water for ablution of worshippers in the mosque, appurtenances belonging thereunto, and a closet for residence of the preacher (imam) and the crier (muazzen), and a madrassa, which is to be erected as a residence of students and teachers.

2. It is a duty incumbent that the mosque should be in existence. The students and teachers should perform their daily prayers, as well as prayers on Fridays, the two *Eeds*, and on the occasion of *Taravihs*.

3. The students are barred to receive education other than purely religious.

4. Whoever would be appointed a mutwalli should perform all such business, such as a repair of the mosque, &c., out of the proceeds of the endowed property.

5. Expenses incurred by the purchase of lamps, oil, and mats, and for performing a *Khatam Taravih*, and the pays of the preacher, crier, teachers, and others, and other requisite expenses are being constantly met and to be met in future, and whatever rules should be prudently set forth from time to time regarding the expenses by the trustee should come in force.

6. The quantity of property entered at the time of execution has by the time been greatly increased. It is therefore intended that an amount of not less than Rs. 5 should be expended towards the support of the poor and helpless, and the guests and travellers; and if the trustees refuse to act without payment, an amount of not less than Rs. 10 a month are to be paid them accordingly. The residue should be applied to the performance of the pious duties dictated in the deed; and this should be regarded as supplementary to that deed of wakf. Dated 8th Kartic 1273 B.S., corresponding with 24th October 1866 A.D.

Akhtarran Nessa Khatoon.

Sayyid Ali Ashraf's Endowment.

I, Sayyid Ali Ashraf, son of Sayyid Ali Ahmad, deceased, resident of Padmadi, pergunnah Mohunshahi, station Pangsha, in the sub-division of Kamarkhally, execute this wakf, dated 1273 B.S., (corresponding with 1866 A.D.) Whereas it is not unknown that human body is unsubstantial, especially in these days of old age, when nothing is certain of what is to take place of my life. It is what has induced me to devote my ancestral property to hospitality, charity, doles, medicine, maintenance of school and mosque, and other good and virtuous actions. This property, which is written in the names of my father, Sayyid Ali Ahmad, and Raj Chandra Mojumdar and others, paying an annual Government revenue of Rs. 1,666-4-5, No. 157, entered in the register of the Collectorate of Jessore, lies in taraf Khalkul, now separated from pergunnah Mohunshahi. A portion of 14 annas of the property, paying an annual revenue of Rs. 1,459-9-6, lying in the kishamats of Khalkul and Narayanapore and mouzah Barugram, included in the Sub-Registry of Furreedpore, and the kishamat of Mazbari and mouzahs named Kumarpore, Dayrampore, and Beeluania, comprehended in the Sub-Registry of Kumarkhali, is executed for God's sake in this wakfnama, in which my eldest son, Syyid Mahammed Ali *alias* Meer Khayarati is appointed a mutwalli or trustee. He should maintain the above mentioned endowed property by paying off Government revenue, costs of suits and other actions that might arise, and expenses of collecting rents, and devote the remainder in accomplishing the good ends stated above, or in any other act that he might think good and proper. He is not in any way entitled to dispose of this property. His sons and descendants after his death, and in their absence my second son, Syyid Ali Ahmed *alias* Meer Abdus Samad, and his descendants, and in their absence the most competent among the descendants of my daughter, Hayatannessa Khatoon, should successively be nominated trustee, of this property and perform his functions as such in the manner indicated above. God forbid, if there be anybody among my lineal descendants incompetent to fill such office, Government will take steps in appointing a trustee, who will also have to perform domestic business on a salary of Rs. 25 a month, with an allowance to be paid when deputed on business regarding this endowed property. Dated 1273 B.S., corresponding with 1866 A.D.

Sayyid Ali Ashraf.

Hybutnagar Madrassa Endowment.

Extract from the tawliatnamah executed by Dewan Nabi Nawaz Khan *on 4th Assin, 1269 B.S., (corresponding with 19th September 1862 A.D.) regarding Madrassa.*

That whatever proprietary interest I have in the aforesaid zamindari and talooks, should after my death, devolve upon my son, Dewan Elahi Nawaz Khan, who, having possessed of the same, should apply a fixed sum of Rs. 50 a month towards the support of the madrassa, Rs. 50 a month in paying a monthly stipend to my wife, Zainub Khatoon, and Rs. 100 a month to my daughter, Khodeja Akhtar Khatoon, and the rest of the proceeds in performing pious acts, which have hitherto been observed and carried out, maintaining the family, and keeping the zamindari in existence. The aforesaid Zainab Khatoon is to get the monthly stipends as long as she should be living, and Khodeja Khatoon and her descendants perpetually. They should not have any right to my zamindari and talooks, and movable and immovable properties. It is also to be stated that, in default of payment, Zainub Khatoon and Khodeja Khatoon to sue Elahi Nawaz and realise the stipend from him. Whatever debts and credits I have should fall upon the shoulders of Elahi Nawaz, and not of others, who is to pay and realise them, but that he should not demand any portions of my debt from them.

2. The allowance of Rs. 50 a month, which has been appointed for the expense of madrassa, is to be met from the estate to be possessed and enjoyed by Elahi Nawaz and his descendants. The aforesaid Elahi Nawaz is appointed as mutwalli of the estate after my death, and the injunctions and rules to be laid down by him for the promotion of the madrassa should be observed in future. In case of his being incapable of or disable to perform the *touliut*, a mutwalli should be nominated by him. After his death the chief among the descendants of Elahi Nawaz should be appointed as mutwalli, who should regularly pay a monthly allowance of Rs. 50 towards the support of the madrassa, and that whoever shall have the properties in his proprietary possession should be liable to pay the allowance.

Meer Ehya Endowment.

Sanad bearing the seal of Shahamat Jung Nowazesh Mahammed Khan Bahadur, *bearing date 15th day of Rabiussani, in the 6th year of jalus (reign) of* Ahmad Shah.

Know you all the managers of all important affairs, both at the present and future times chowdhuries, canoongoes, talookdars, ryots, and cultivators of pergunnahs in Sarkar Islamabad (Chittagong), as follows:—

Whereas 60 drones of *Nehalshahi Kharij* jama land, exclusive of the property in pergunnah Sayedpore, &c., are, as stated herein, fixed from before, according to *sanads*, by way of *madadmash* (a royal grant for maintenance) of Meer Abdur Rasheed, deceased, and for the expenses of mosque, madrassa, students, faquirs, &c., and whereas the abovenamed Meer having cultivated the aforesaid land, held and enjoyed possession of the same, and whereas after his death Meer Ehya, son of the late Meer aforenamed, has been holding and enjoying possession; now the grant of the aforesaid land is hereby confirmed as *madadmash* of the said Meer Ehya, and for the expenses of mosque, madrassas, students and faquirs. He shall apply the proceeds of the above land, according to ancient practice, to his own expenses and to those of his children, and to the necessary expenses of mosque and madrassa referred to above, and to pray for our lengthened life in peace and prosperity. No one shall offer opposition in any way whatsoever, or demand fresh sanad every year, the grant being free and exempt from all demands as to revenue items, sayar duties, charges for attachment, *jamabandi*, *nazaranafouzdari*, *canoongoi*, *jalkar fishery*, forest rights, and all other civil impositions and royal exactions, such as are prohibited by authority. Know this to be a peremptory injunction.

Date and year as above.

Shah Alam Badshah Gazi Akebat Mahmood Khan Sadrus Sadur.

Bohar Endowment.

Signature of the Emperor of India.

Be it known to the present and future managers of State affairs, to the choudhries canoongoes, ryots and cultivators, and to all the inhabitants and residents of endowed mehals of pergunnah Bais Hazari, that according to His Majesty's order, which commands the

obedience of the world and represents the brilliancy of the rays of the sun and the loftiness of heaven, the office of the mutwalli (trustee) of the *rousa mubank* (holy shrine) of the saint of saints, Sayed Jalaluddin Tabrezi (may sanctity attend him), together with the endowed mehals which from time immemorial have been attached to the aforementioned shrine, has been conferred on Sayid Sadruddin, the main support of the Sayid's holiness and purity, the prop of nobility and high diginty, and the basis of honour and goodness.

The aforementioned Sayid Sadruddin shall generation, after generation, in line of due descent, as recognized by Muhammadan law, hold the said shrine at Panduah, together with the endowed mehals and the woods and rivers within the said mehals, with all other things appertaining thereto. The wazirs, the pillars of State, the nobility possessed of high dignity, the superior authorities and the ministerial officers exercising due economy, and the Mutasaddis of Civil Department, and the managers of State affairs, and the present and future *Krories* are hereby enjoined so to direct their efforts as to carry out in perpetuity and in all its integrity His Majesty's this sacred and lofty order, and allow to remain the aforementioned estates, generation after generation, in the possession of the aforementioned Sayid and his sons as trustees, and considering these mehals as not liable to future changes and free from any kind of intervention, should not seek to exercise any check or control with a view to realize any taxes such as *māl jāhat* (land tax), *dob némi* (a tax of five per cent.), *sair ikhrajat* (contingent charges or cesses), *mohassilana* (a tax-gatherer's fee), *peshkash* (presents), &c., and treat the aforementioned mehals as altogether exempt and free from all kind of civil burdens and State demands, and must continue to abstain altogether from any kind of interference. They should not require the production of the sanad every year for inspection, nor consider anybody else as possessing a share in the rights hereinafter conferred on the aforementioned Syed. They should consider him as a permanent mutawalli of the said holy shrine, nor should they seek to go beyond his advise and opinion, which would, in all likelihood, be a near approach to righteousness and virtue.

The line of action to be pursued by the mutawalli will be as follows:—

The mutawalli should under his own control lay out the income of the endowed mehals in defraying the expenses of celebrating the ceremony of *urs*, of lighting and repairing the holy shrine, of instructing the students, and employ himself in offering prayers for the eternal prosperity of His Majesty the Emperor.

It will not be lawful for the aforementioned Sayed to give anything belonging to the aforementioned property on perpetual lease or *muqarrari*, or on reduced rent.

With regard to the points specified above, all the parties concerned must consider themselves under very strict injunctions, and act as directed above, and should not seek to deviate from the benevolent imperial orders.

Written today, the 5th of Moharram, in the 13th year of the reign of the Emperor.

کروری *Karori*, an official designation, under Mahomedan Government, to a collector of revenue to the extent of a kror of *dams*, or Rs. 2,50,000, who was also at various times invested with the general superintendence of the lands in his district, and the charge of the police, the latter was ultimately withdrawn from him, but the former continued till the downfall of the empire.

سایر *Sair*. It denotes the remaining or all the sources of revenue accruing to Government in addition to the land tax.

سایر اخراجات *Sair ikhrajat*, expenses of the collection of the *sair* duties.

عرس *Urs*, a Mahomedan religious ceremony of celebrating a day by offering food, incense, &c., in honour of a deceased saint.

صد دوي *Sad due*, a cess of two per cent. in addition to the *juma* (rent) and not deduction from it.

مقدمي *Muqaddami*, certain perquisites paid to a (mukaddami), the village manager, subject to the zemindar; he has an office which is usually hereditary, and is the responsible man in every village when the zemindar does not live in it. In Bengal proper he is called *mandal*; he is also known as *jethrayat*, *mahta*, &c He receives his remuneration either in the shape of rent-free lands at favourable rates, or in free cash payments.

قانونگوي *Ganungoi*, the perquisites of a *ganungo*, an expounder of the laws, and especially a village or district revenue officer.

صوبه داري *Subeh-dari*, a tax levied for the expenses of a Subahdar or Governor under the Mahomedan rule.

داروغانه *Daroghanah*, a tax levied for the payment of a darogah under Mahomedan Government.

(Sd.) SAYID SADRUDDIN AHADI, MUTWALLI.

GOUHARPORE ENDOWMENT.

IT is recorded that be it known to the managers of affairs and business, present and future, choudhries and canoogoes, mutsuddis, ryots, cultivators of pergunnah Salimpore, Sarkar Salkam, that whereas *Shaikh Shamsul-arfin*, who is versed in divinity and the spirit of the Mahommedan law, and is sajjadahnashin (an occupier of a deported Saint's seat) of

the tomb at Gouharpore, is entitled to certain indulgence and privileges; and whereas the distressed and the poor resort in large number to his *khanka* (a house devoted to charitable purposes), and he with pure motives supplies them with food, therefore the entire mouzah Gouharpore Bempore out of the aforesaid pergunnah, together with all its cultivated and uncultivated land, inclusive of its entire area, is granted as formerly from the beginning of *kharif* harvest, by way of charity, to secure the personal safety of His Majesty, for the support of the aforesaid gentleman; so that the proceeds thereof being devoted to the maintenance of the poor and the students of the said shrine, the sajjadahnashin may always engage himself in offering prayers for the everlasting prosperity of His Majesty, in giving and imparting instruction and in performance of other virtuous deeds. The said mouzah being left to be appropriated by him, relieving him of all demands on account of *mal wajhat*, *sair wajhat*, and all other civil encumbrances, nothing should be demanded of him, nor any opposition be offered to him. Fresh *sanad* need not be required to be produced by him every year. It is to be strictly observed that on no account whatever the parties concerned should seek to deviate from these orders.

Touliatnamah of the Sasseram Endowment.

Translation of the copy of the Emperor Farrukh Siar's firman.

No. 295. Copy of the firman of Emperor Farrukh Siar.

Signature of the Emperor in Tughra.

In this auspicious hour the Imperial mandate (necessary to be obeyed) was passed, that the pergunnah Hawelli Sasseram, in the soobah (province) of Behar, one lakh dams, the revenue of which amounts to Rs. 1,192, one thousand one hundred and ninety-two, has been, from beginning of the spring of Poetal, granted, in conformity with the contents, by the way of Altamgah gift, for the maintenance of the khanka (abbey) founded by Shaikh Kabir Darwesh.

The jagirdars and the *kurorees* at present, and those in future, should leave in perpetuity, the said dams to be in his (Shaikh Kabir's) possession, descending to his posterity, and they should regard the said estates exempt and free from all causes and accidents whatever, and should never demand new sanads for every year on this subject.

Dated this day, 12th of the month of Rabiul Akhir, in the fifth year of the reign of the Emperor.

Mahomed Mohsin Endowment.

Translation of the Touliutnamah of Mahomed Moshin of Hooghly.

I, Hajee Mahomed Moshin, son of Hajee Foyzullah, son of Agga Foyzullah, inhabitant of Hooghly, being in a state of full possession of all the faculties and powers to control and dispose of my property, as the law directs, of my own free will and consent, do truly and legally declare and acknowledge that I have bequeathed for pious uses, and have given, as an endowment in perpetuity, the whole of my zemindari or landed estates of pergunnah Syudpore, &c., situated in zillah Jessore, also pergunnah Soobnaul, situated in the aforesaid zillah, and one house or building situated at Hooghly, known by the name of the Imambarrah, and also the Imambazar with the haut or market thereof, likewise situated at Hooghly, also all the articles and furniture, &c, appertaining to the said Imambarrah and contained in a separate list, the whole of which descended to me by inheritance, and so has been in my proprietary possession, and whereas I have no children or descendants or relations to succeed as my legal or lineal heirs for the purpose of preserving entire the customary usages and charges of the pious works and ceremonies belonging to the celebration of the religious rites and festivals of the faithful, which have always been observed by my family in all their generations, and which I purpose to continue, therefore I have bequeathed and endowed as aforesaid all the rights and appurtenances whatsoever of the aforesaid property purely and sincerely for the sake of God to be appropriated and disposed of in manner following, and for these purposes I have appointed Rajab Alli Khan, son of Sheikh Mahomed Saduck, and Shakur Ali Khan, of whose understanding and sagacity and faith and observance of religion I have had experience, to be Mutawallis (Prefects or Superintendents), and have made over to

these two persons all the bequests and endowments abovementioned, that they, in every respect whatsoever, mutually assisting and co-operating with each other and acting with mutual consent and advice may persevere in the complete and due performance of this business entrusted to them in the following manner, namely, that they, the Mutawallis, after duly discharging the public revenues of Government (for the landed estates in question) divide the surplus proceeds of the mehals aforesaid into nine shares and first appropriate three shares thereof to the expenses of the religious observances for the great prophet and for the rest of his descendants, also for the expenses of the ten days' festival of the Mohurrum, and for all the other appointed festivals, and for the repairs of the Imambarrah and burying-ground, and that they then appropriate two shares of the said nine shares to themselves in equal shares for their own use and enjoyment, and four shares for maintaining the amlah or establishment and the persons whose names are separately written in a list signed and sealed by me, and in disposing of the pensions and allowances, whether daily pensioners, and the better classes of persons and the class of peadahs and others who now stand nominated to receive allowances; the Mutwallis after me will exercise their discretion and authority either to continue or discontinue them as they may think proper, and I have made over generally to these two persons the towliut or charge of superintendency. In the event of either Mutwalli finding himself incompetent to discharge the functions, he is authorized to appoint any person whom he may consider qualified for the duty in his stead. To this end I have drawn up this deed or writing to be executed when necessity requires. Dated the 9th Bysack 1221 Hegeree, corresponding with 1213 B.S., corresponding with 20th April 1806.

(Signed, sealed and witnessed.)

APPENDIX III.

MEMORANDUM.

THE Committee formed for enquiring into Mahommedan endowments in Bengal, Behar, and Orissa is now closing its labour, and I wish to say a few words with a view that my opinion may be embodied in the report we are submitting to Government. We were told, amongst other things, to enquire if there are any endowments of a secular nature, the proceeds of which could be devoted to educational purposes

We endeavoured to obtain copies of wakfnamahs through the district authorities, but I regret we have as yet succeeded in obtaining only a very few. This want of success is no doubt attributable to the mutawallis not being bound to produce the documents, as the matter was quite optional, and this omission on their part has left us in the dark regarding the nature of great many trusts existing in the country.

From the copies of few deeds of endowment in our possession, it appears that there are secular trusts, among which the Mohsannia is the first, as devoting the bulk of proceeds to educational purposes. We may say that, in the matter of enquiring into the nature of *mahals* of trust, we have made only a beginning, and much remains to be done in order to make up a complete register of such trusts throughout these Provinces. With a view to accomplish this object, I would beg to suggest that a Standing Committee, for the purpose of supervising all *mahals* of endowments, be appointed by Government.

It will hold its sitting in Calcutta, and will supervise the income and expenditure of the trust properties of secular nature. It would be the object of this Committee gradually to obtain copies of all wakfnamahs, and make a complete register of Mahommedan trust properties existing in these Provinces. But this object cannot be accomplished unless the law is changed As the Committee has been appointed only to look after secular endowments, it is needless for me to dilate further on the subject. But I may be permitted to say that the Mahommedans as a rule, will not be opposed to the interference of Government in the better management of all endowments and the proper control of all funds relating to them with a view to their being devoted to the purposes laid down in the deed creating the trust.

MEER MAHOMED ALLY.

MEMORANDUM.

THE Committee of the Central National Mahommedan Association, in submitting their proposals to the Mahommedan Endowment Committee, desire, in the first place, to explain exactly the objects the Association has in view in seeking the legislative and administrative assistance of Government for the protection and preservation of Mahommedan endowments.

2. The Endowment Committee was appointed at the instance, and upon the motion, of the Central National Mahommedan Association Perceiving the ruin which had overtaken Mahommedan endowments within the last half century, and appreciating the gravity of the causes which interfered with the progress of the Mahommedans, the Association had urged upon the Government the expediency of adopting effective measures to enable the Mahommedan community to preserve their existing *wakfs*, and to utilise such as contained provisions for the support of education towards the advancement of their welfare and progress. The Government was pleased to accept this suggestion, and the enquiry, which has been instituted by the Endowment Committee, has conclusively established the fact that there still exists a large number of endowments in this Province for various pious and charitable purposes; and that in very few instances the proceeds of the *wakf* are duly applied to the objects for which they were created. It is admitted on all hands that within the last few years a great many *wakf* properties, owing to the neglect or misconduct of the Trustees, have been sold in execution of decrees as private heritable properties. And it is conceded by those who were at first opposed to the objects of the enquiry that a system of supervision and control on the part of Government, on the lines of Regulation XIX of 1810, would be extremely beneficial. The admission involved in this concession justifies completely the action of the Association in urging Government interference for the protection of Mahommedan endowments. It is to be regretted that the objects of the Association, in making this appeal to Government, were misrepresented in certain quarters. It was suggested that the Association was anxious to divert the Mahommedan endowments to objects alien to the wishes of the donors. The Association thinks it necessary therefore to state most emphatically that the sole object it has in view is the preservation of Mahommedan endowments, and the application of such funds as are available for the advancement of Mahommedan education to their legitimate purpose.

3. The Association has never advocated the exclusive study of the English language among the Mahommedans; it has always insisted upon the study of Arabic and Persian by Mahommedans, and the action it has taken from time to time shows conclusively that its

endeavour has been to promote Mahommedan education upon a traditional basis. But it cannot ignore the exigencies of the present situation, or forget that, if the Mahommedans are to compete on equal terms with the Hindus or other communities, they must study the language of the rulers of the land in the same way, and to the same extent, as the other subjects of Her Majesty. The enquiry instituted by the Endowment Committee has amply shown that there are many endowments in this Province, the *wakfnamahs* of which contain provisions for the support of madrassas and students; and that in almost every case the support accorded by the trustees is merely nominal. The funds which ought to be applied in support of students are, in the majority of instances, misappropriated. Considering how the general poverty of the Mahommedans has stood in the way of their educational progress, this Association believes that the funds available from these sources would prove of appreciable benefit to the Mahommedan student class. It has been contended that the provisions in the *wakfnamahs* relating to the support of the students (*tâlib-ul-ilm*) must be construed in a very restricted sense as referring only to the support of such students as devote themselves to the study of Mahommedan divinity. The Association regrets it cannot admit this contention to be correct. There is no ground for the proposition in question, and it is contradicted by the experience of Mahommedan foundations in other countries, where the application of the funds has been widened and liberalised with the advance of time and the altered circumstances of the age. With reference to this point, the opinion of Moulâna Abool Ehya Mahomed Naim of Lucknow, a distinguished Sunni Doctor of Mahommedan divinity, given by him in his evidence in the Sasseram Endowment case, is of considerable value. He says. "*Tulbas* are those who acquire secular knowledge;" and again. "It is proper to learn the science of the ruling monarch if such knowledge does not militate against one's religion." It is admitted that the word *tâlib-ul ilm* is generic and means a student (a seeker of knowledge) generally. From the earliest times, not only in India, but in Mahommedan countries, the study of every branch of learning and science has been promoted and encouraged by sovereigns and chiefs and the well to-do people, and the mosques and madrassas have formed the centres of Mahommedan education. From Mansur Dawâniki, Harûn and Mâmûn downwards, there has been one continuous succession of supporters of foreign learning. At Damascus, at Bagdad, Cordova, Cairo, Samarcund, &c., the study of Greek science and Greek learning was always encouraged. And at this moment, in the madrassa attached to the mosque of Al-Azharia, the centre of Sunni orthodoxy, European languages are studied. It has never been contended that the study of Greek under Mâmûn was sinful, or that the study of French in the madrassas of Constantinople and Cairo is sinful. The idea that the study of English is sinful and must be regarded as alien to the wishes of the donors is opposed to all the teachings of history and of the Prophet.

4. That the word *tâlib-ul-ilm* means a student or seeker of knowledge in all its branches, and is not restricted to a student of divinity alone, will be apparent from the following passages occurring in the Koran :—

علم آدم الاسماء كلها *
و اذ علمتك الكتاب و الحكمة *
يوتي الحكمة من يشاء *

"He imparted to Adam knowledge of the name of all things."

'And when I taught thee the Book (Koran) and the science."

"He giveth knowledge unto whom he pleaseth."

In the Hadis (traditional sayings of the Prophet), there occur the following :—

طلب العلم فريضة *
اطلبو العلم و لو كان بالصين *
علمو اصبيانكم الرمي *
العلم علمان علم الابدان و علم الاديان *

"Seeking of knowledge is obligatory." "Seek knowledge even if it be in China." "Instruct your children in the knowledge of archery." "Science is of two kinds—one physical and the other religious."

5. Besides these, there are numerous passages in the Koran and the *Hadis* in which the words *ilm*, *tâlim* and *taallum* are used, indicating clearly that in the term *ilm* is included every branch of knowledge or learning, whether intellectual or religious, theoretical or practical; as for instance, the knowledge of archery, the knowledge of anatomy, the knowledge of names, and the knowledge of sciences. In the madrassas founded by the ancient Mahommedan sovereigns and nobles, mentioned in the Prolegomena of Ibn Khaldûn, and in the work of Ibn-i-Khallican and the *Husan-ul-Mahazara*, intellectual instruction was imparted in Arabic as well as Syrian, Greek, and the Persian languages And in the madrassas of Persia, Khorasan, Turkestan, and Hindustan the languages of fire-worshippers, manichæans, Monguls and Hindus were, and are still, being taught. The endowments bestowed upon those madrassas have always been applied to the benefit of the *tâlib-ul-ilm* in general. In the Prolegomena of the *Kashf-uz-zanoon* (by Haji Khalifa) there occurs the following remarkable passage :

المنظر الاول في العلوم الاسلامية وهو على صنفين طبعي وهي العلوم الحكمة و نقلي يا خذه لمن وضعه وهي العلوم الذعلية لامجال فيها للعقل*

"Chapter I —Regarding Islamic knowledge—

"Islamic knowledge is of two kinds—one intellectual, namely, the knowledge of sciences, and the other traditional, namely, that which has descended in succession, and into which human reason has no access."

And in the seventh chapter of the same book is written thus—

وایاه ان یستهین بشیئ من العلوم تقلید الماسعة من الجهلة بل یجب ان یاخذ من کل حظاً و لایکن ممن یذم العلم و یعدوه لجهلة مثل ذمهم المنطق والعلوم الحکمیة علی الاطلاق من غیر معرفة القدر المذموم والممدوح منها •

"The seeker of knowledge should always remain mindful of this, that he does not depreciate any knowledge, being induced to do so by the ignorant. He should drink a little from the fountain of every kind of knowledge, and he should not be like one of those who, from their ignorance, speak ill of the sciences, and are their enemies; as, far instance, an ignorant person not knowing how much of what knowledge is good, and how much bad, speaks ill of logic and the sciences universally."

6. Nor does there exist in the Mahommedan system any such distinction as has been recognised by the British Courts of Justice in this country, especially since the passing of Act XX of 1863 between secular and religious endowments. Every act, the object of which is to do good to others, is regarded as a religious act, and consequently every endowment or *wakf* created for a charitable or pious purpose stands in the same category, and is governed by the same rules as a purely religious *wakf*. A madrassa in which foreign learning is taught is as much a *wakf* under the Mahommedan law as mosque. In this connection, the Association would mention that the *cypres* doctrine is carried to the utmost limit in the Mahommedan system. If one makes an appropriation for charity generally, without any specification of the purpose—

> "It will be applied on the poor and all purposes by which an approach (to God) might be made, like conferring benefit on students, building mosques and schools and bridges and *mushâhid*, the assistance of pilgrims, supplying shrouds for the dead, and it is allowable to spend for the general benefit of Mussulmans"

In the *Jawâhir*, which is a Shiah work, the principle is stated thus—

> "If a person constitute a *wakf* for a *Maslahat*, such as a musjid, a bridge, or some object of a similar character, and all traces of its use and effect have totally vanished, in such a case the income of the *wakf* property would be expended on good purposes generally. Preference, however, would be given to an object approaching in character to the object of the original dedication."

And this view is repeated in another place—

> "If the person were to make a dedication generally for charitable purposes, then without any difference of opinion the *wakf* property will be applied for the benefit of the poor and indigent, and for all pious acts and objects, which may be the means of approaching the deity. *Birr*, or charity, is a word which comprehends all good and pious actions (*khair*), such as the help of the poor, the assistance of the weak, the improvement of the condition of the Mussulmans, the performance of *Hajj*, education and support of students, &c."

7. The same doctrine prevails in the Sunni schools. Mere vagueness or uncertainty does not lead to the failure of a *wakf*, for in such a case the law itself supplies the defect by declaring that the trust should be in favour of such objects as approach nearest in character to the intended object of the *wakf*, or, even when that is not expressed, to the support of the poor and needy. In the absence of explicit directions on the part of the *wakif*, the hakim has the power of framing a scheme by himself, or in consultation with the beneficiaries for the administration of the *wakf*.

8. The Kâzi, as the representative of the sovereign in his judicial capacity, is the general curator of all *wakfs*, whether public or private. In Turkey, however, endowments which are in their nature public, or the benefits of which are for the public generally, are under the direction, control and supervision of a special officer appointed by the Government, who is called the *Nazir-i-Awkâf*. Upon their accession to sovereign power, the British for some time allowed the endowments, which owed their origin principally to the bounty of the former rulers and chiefs, to remain in a state of disorder; but the necessity of a law for the preservation of Hindu and Mahommedan trusts soon presented itself, and Regulation XI of 1810 was the result.

9. In 1863, however, Government divested itself by Act XX of that year of all connection with the religious endowments of both Hindus and Mahommedans, and retained the control only of such institutions as were secular in their character.

10. The preamble and the earlier sections of this Act indicate conclusively its scope, and there can hardly be any doubt that its operation was confined to such trusts or

endowments as were transferred to trustees under sections 4 to 7 of the Act. And so it was expressly decided in the case of *Delras Bano Begum* versus *Nawab Syed Asghur Ally Khan.*

11. The principle laid down in *Delras Bano Begum* versus *Nawab Syed Asghur Ally*, with reference to the nature and scope of Act XX of 1863, has been practically overruled by the decision in *Jan Ally* versus *Ram Nauth Mundul.* In this case it has been held, in effect, that every mosque, Hindu temple, college, or religious institution, for the support of which land had been granted by the preceding Governments, or by individuals, comes within the purview of the Act, and that consequently no suit can be instituted with reference to any of these institutions without leave having been first obtained under section 18. This ruling apparently was adopted in another case decided by the Calcutta High Court. The Allahabad High Court has dissented from the view entertained by the Calcutta High Court It has held that every Mahommedan has an inherent right to maintain a suit for the purpose of establishing a *wakf*, or his own right to share in its benefits. Section 539 of Act XIV of 1882 (the Civil Procedure Code), refers to—

Zafaryab Ali versus *Bulktwar Sing.*
I. L. 5 All. p. 497.

"trusts created for public, charitable or religious purposes" exclusively. To enable a beneficiary to proceed under the provisions of this section applicable to a *wakf*, it would be necessary to show that the trust is for a public, charitable or religious purpose; in other words, that it was vested in the public, or that the beneficiaries are selected from the general body of the public.

12. Owing to the conflicting character of the decisions existing on the subject, and the difficulty of procedure, both under Act XX of 1863 and the Civil Procedure Code, no proper check or control can be exercised at present over the numerous endowments which have survived the misconduct of the trustees and the avarice of money-lenders.

13 The Association desires in conclusion to offer the following suggestions as to the proposals to be submitted by the Endowment Committee to Government:—

I. That the Legislature be moved to simplify the procedure at present existing as to the institution of suits relating to the administration of trusts, and that an officer be appointed in each district to institute and conduct such suits when directed by Government. The Association would suggest, with a view to save any extra expense, that a Mahommedan Deputy Magistrate or Executive Officer of sufficient experience may be invested with such office.

II. That a Central Committee, consisting of a few Mahommedans, with the Advocate-General of Bengal as its President, be appointed to exercise a general supervision over Mahommedan endowments, and to see that the funds are properly applied. This Committee should receive reports from the District Committees, and in case of breach of trust and misconduct, or misapplication of funds on the part of the trustees, may move Government, if necessary, to direct the authorised officer to institute a suit on that behalf.

III. That in case of educational funds, the Central Committee should have the power of directing how they should be applied.

IV. That the Civil Court be authorised by the Legislature, when the funds are not specifically apportioned in any *wakfnamah*, to exercise the discretion vested in the Kâzi, under the Mahommedan Law, and apportion the funds in accordance with the requirements of each special case.

V. That District Committees be appointed consisting of a few Mahommedans, with the Collector as President, to advise the mutwallis, and to exercise a general supervision over the *wakfs*. Such supervision should not be inquisitorial.

VI. That the trustees of the endowments, religious and secular, should furnish to the Central Committee yearly accounts of receipts and disbursements.

14. The Association deprecates the revival of Regulation XIX of 1810 in respect of religious trusts. In the opinion of the Association, it is inexpedient, in view of the existing circumstances of the country, to vest executive officers of Government with the plenary powers which the regulation gave them. The Association ventures to think that the present suggestions would protect and preserve the Mahommedan *wakfs* without any unnecessary interference with their honest management.

AMEER ALI, *Secretary.*
BUDRUDDIN HAIDAR, *Assistant Secretary.*
HAJEE NOOR MOHOMED.
SHAIK MAHMOOD JILANI.
MIRZA MOHOMED KHALIL SHIRAZI.
ABUL HASSAN KHAN.
MOHOMED FURUKH SHAH.
MEER MAHOMED ALLY.
SYUD AMEER HOSSEIN.
KABIRUDDIN AHMAD.
AHMUD.
DEEN MOHAMMUD.
GHOLAM SURWER.
SIRAJUL ISLAM, *Assistant Secretary.*
ZUHIRUDDIN AHMUD.
H. A. DUGMAN.

NOTE BY THE HON'BLE ABDOOL JUBBAR.

THIS Committee has been appointed in accordance with the orders of the Government of India, passed on a memorial submitted by the Central National Muhammadan Association, in which, among other things, the necessity of preserving and utilising the existing Muham-

madan endowments for educational purposes was urged upon the attention of that Government.

The Committee, as its name indicates, has to deal with educational endowments, and to report what action, executive or legislative, may, in their opinion, be necessary for preventing misappropriation of such endowments. From passages in the Resolutions, both of the Government of India and of the Bengal Government, it is evident that the Committee's enquiry should not extend to religious endowments, but should be confined to educational endowments. Therefore the first thing which the Committee has to do is to eliminate religious endowments from the number of those reported to be in existence in Bengal. This, I am constrained to say, is not an easy task for them A Muhammadan endowment or *wakf* is a legacy for pious uses, and is intended for the spiritual benefit of the donor.

It is true that in some deeds of endowment is to be found a provision for the maintenance of *Talibul, ilems*, but therein the word means students of divinity, and not seekers of secular knowledge; such as I admit is now-a-days required for the amelioration of the condition in life of the Indian Mussulmans. Much stress is laid upon the literal signification of the word; but no Doctor of Muhammadan law, when called upon to expound it in reference to its use in a deed of endowment can, I am sure, conscientiously interpret it in the way in which it will be acceptable to the more worldly-minded individuals of the present generation. We often see readers of Quorans and Fekha in mosques, khankas, muktabs and madrassas founded by pious Mussulmans, and it is the maintenance of such readers or learners that the founders intended.

The memorial asked for, and the Government orders direct an enquiry into, Muhammadan educational endowments; but both are silent as to the character of the education contemplated by the donors.

Every well-wisher of the Muhammadan community will be indebted to the Committee for any measure which they may suggest for the protection of all Muhammadan endowments from misappropriation; but the Muhammadan public will loudly complain should funds set apart by Muhammadan donors for religious instructions be wholly or partly applied to secular education. Most of the endowments brought to the notice of the Committee bear dates prior to and at the time of the Muhammadans, whose religious scruples have within the space of 40 years reduced many respectable Muhammadan families in Bengal to the deplorable condition in which we now see them, and which, I am thankful to say, has attracted the attention of the authorities. It will therefore be fallacious to argue that it will not be diverting to purposes alien to the wishes of the donors if we devote endowed funds to other than religious training.

Happily for the Muhammadans that they have now come to see the mistakes of their predecessors and the advantages of a liberal English education, but it would be a clear misappropriation of endowments if students of English were supported by funds intended for the use of those devoted to the study of religion. I do not wish to discuss what is meant by "*ilems*" or knowledge in Moslem theology.* The subject has been discussed threadbare by the learned doctors in every country to which the faith of Islam has extended. The works of those Muhammadan "*ulemas*" who had devoted their whole lives to religion are sufficient authority for the guidance of the votaries of Islam in the affairs of the next world, and they stand in no need of further comments on the Quoran and the Ahadis. The time has not come and I hope will never come, when the Muhammadans will in religious matters be guided by the opinions of any Association or Society, the main object of which is or may be to secure political advantages.

We are all alive to the advantages of an English education, and we ought to make every lawful effort to obtain it; but in order to secure what we most desire, and what is essential to our welfare in the world, we cannot do a gross injustice to the souls of the departed. In order to qualify ourselves for seats in the High Court, for appointments in the Judicial and Executive Services, and for Local Self-Government, we ought not to rob the funds purposely provided for religious instructions. Our ancestors, with whose endowments the Committee is concerned, and whose intentions the Committee is now to explain, were firm and honest in their religious convictions and had no idea of what is now called secular education.

With the advance of what is called civilization, religion has shown symptoms of decadence, and nothing seems to require so much support as religion. No true freinds of Islam should be a party to any measure which will deprive the Muhammadans, wholly or partially, of the means available for religious instructions. Secular education, which has its apparent advantages, does not require much special encouragement; but in all ages, and among all nations, funds have often been provided for the dissimination of religious education. Colleges and schools have been opened throughout the country for imparting secular education; but religious instructions are given only in mosques, khankas, and madrassas mostly supported by endowments. If the attempt to withdraw, by means of legislation, partly or wholly, any funds bequeathed by pious Mussulmans for religious education be successful, the time will not be distant when no one will be found to perform religious ceremonies, much less to give religious instructions, and when the dead will be buried without a funeral service.

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* The following quotation will show what is meant by *ilem*.'—

قال رسول الله صلى الله عليه و سلم العلم ثلثة آية محكمة او سنة قائمة او فريضة عادلة وما كان سوى ذولك فهو فضل رواة ابو داؤد و ابن ماجة *

The prophet (the blessing and peace of God be with him) said :—"*ilm* or knowledge is of three kinds, viz, the established text or verses of the Quoran; the correct traditions; and the lawful interpretation of the Quoran and the traditions, and that whatever is beyond these three is not necessary." Related by Abu Daud and Ibu Majah.

I do not deny that there is evidence that since the repeal of Regulation XIX of 1810 endowments have, in some instances, suffered from mismanagement or misappropriation. That Regulation, which vested in the Board of Revenue and Board of Commissioners the general superintendence of all lands granted for the support of mosques and colleges, and for other pious and beneficial purposes, was passed to enable Government to see that all such endowments were applied according to the real intent and will of the grantors. As long as the rules embodided in that Regulation were in operation, there was proper check upon the proceedings of managers and trustees in immediate charge of endowments, and instances of misappropriations were rare. A reference to section 1 of the Regulation would show that it was an important duty of every Government to provide that all endowments were applied according to the real intent and will of the grantor, and I am not aware of the reasons which in 1863 led Government to divest itself of that duty. Act XX of that year gave to individuals interested in a mosque, temple or religious establishments a right of suing a manager or trustee of such mosque, temple or religious establishment, but the difficulties of instituting and establishing a civil suit against one in power are so great that private individuals seldom think of exercising that right. On the other hand, if the Board and the District Officers still had the power of supervision which Regulation XIX of 1810 gave them, they would be able to remedy at once any evil which might arise from the misconduct of managers and trustees of endowed properties. I am therefore strongly in favour of the revival of that Regulation which was in force for upwards of half a century, and against which no objection was ever raised by the people. As regards the proposals which have emanated from one of our colleagues for the formation of Central and Branch Committees, I beg to say that I quite disapprove of them. The Muhammadan public will have more confidence in the European officers than in the *soi disant* leaders of their own community, who are supposed to be impatient to see a radical change in the present state of things No friends and neighbours of Muhammadan donors will ever consent to any interference with the arrangements which are or may be consistent with the wishes of the latter For instance, the transfer of any funds from one place to another will be prejudicial to the mosque, khanka or madrassa maintained or intended to be maintained by an endowment. On the principle that charity begins at home, every donor intended that his immediate neighbour should be benefited by any property which he might leave for religious or charitable purposes.

The 7th February 1887. ABDUL JUBBAR.

No. 117.

COPY of the Memorandum of the Committee of the Central National Muhammadan Association, and of the Note by the Hon'ble Abdul Jubbar, dated the 7th February 1887, forwarded to the Secretary to the Muhammadan Literary Society, Calcutta, for the favour of an expression of the Society's opinion.

P. NOLAN,

Secretary to the Muhammadan Educational Endowments Committee.

BENGAL SECRETARIAT,

The 11th February 1887.

Dated Calcutta, the 14th March 1887.

From—The Members of the Committee of Management of the Muhammadan Literary Society of Calcutta,

To—The Secretary to the Muhammadan Educational Endowments Committee.

WE have the honour to acknowledge the receipt of your communication No. 117, dated the 11th ultimo, with its enclosures, and at the outset to offer our thanks to your Committee for allowing our Society an opportunity of discussing a question which is of vital importance to the Muhammadan community at large

2. From the proceedings of your Committee and the connected correspondence published from time to time in the *Calcutta Gazette*, we understand that the Government of India is desirous of ascertaining the measures, if any, necessary for the protection and preservation of endowments made by Muhammadans for educational purposes. There is no doubt that legislation on the lines of Regulation XIX of 1810, whereby the preservation of the corpus and the legitimate appropriation of the incomes of *all* endowments will be secured, is a great desideratum; but we fear that no appreciable good is likely to result from an enquiry limited to educational endowments. Not only are such endowments thinly scattered, but they cannot, consistently with the wishes of the grantors, be utilised in promoting secular education

3. The Muhammadan Literary Society, which, ever since its establishment in 1863, has systematically laboured to impress upon the minds of their co-religionists the necessity of a liberal English education, and to remove all prejudices against it, would be the first to join in any movement intended to enable the Muhammadans to compete on equal terms with their fellow-subjects of other creeds; but we cannot help thinking that the suggestion of

the Central National Muhammadan Association, to utilise for general education Muhammadan endowments which are based upon religious belief, will give rise to a discussion which had best be avoided.

4. The prejudices of the Indian Muhammadans against education in Western science and literature have materially diminished of late years, and they have come to know that there is nothing in the Muhammadan religion which stands in the way of the acquisition of such knowledge; but the majority of the Muhammadans will certainly object to the application of endowed funds in contravention of the wishes of the donors.

5. The object of the Central National Muhammadan Association has not, as they say, been misrepresented; but it may be said to have been misunderstood, if it were not their intention to divert the proceeds of endowed property to purposes alien to the real intentions of the grantors That there are good reasons for the misunderstanding no one can deny. From a perusal of the memorial submitted to Government by the Central National Muhammadan Association, and of their memorandum recently placed before your Committee, one can hardly avoid being impressed with the belief that they intended to contribute towards the costs of secular education from endowment funds; and it is in this belief on the part of the Muhammadans that the source of the hue and cry raised against the enquiry of your Committee is traceable. If the Central National Muhammadan Association had plainly told the public that their intention was simply the protection, and not the re-distribution, of endowment funds, we are sure not a single voice would have been raised against the action of your Committee; but, on the contrary, such action would be supported almost in every quarter.

6. Now the principal points discussed in the memorandum of the Central National Muhammadan Association may be summed up as follows:—

(1)—The study of European science and literature is not forbidden by the religion of Islam.

(2)—An endowment or *wakf* may be made by a Muhammadan for the purposes of secular education.

(3)—The word *talib-ul-ilm* is not restricted to a student of knowledge of divinity, but includes every description of students.

7. The first two points, we beg to submit, are foreign to the subject of the present discussion. In all Muhammadan countries the cultivation of arts and sciences has been patronised, and the Indian Mussulmans also have taken to the study of English. Nor has it been averred by anybody that the Muhammadan religion stands in the way of the general education of the faithful. It is likewise out of the question whether a *wakf* can be made for giving secular instruction. In our own days, prizes and scholarships have been founded by Muhammadans for the benefit of the students of Western science and literature; and we are not inclined to argue the point in a manner that would discourage such liberality in the slightest degree. Every well-to-do Muhammadan should now come forward to assist his co-religionists in acquiring a thorough knowledge of what is now-a-days essential to the improvement of their condition in life.

8. As regards the third point, we beg to differ from the Central National Muhammadan Association as to the meaning of the word *talib-ul-ilm*, as used in theological treatises and in documents relating to Muhammadan endowments. The literal meaning of the word is not a "seeker of knowledge," but it means a "seeker of *the* knowledge." The definite article "*the*" limits the significance of the common noun "*ilm*" or knowledge that is to say, it means a seeker of *the* knowledge which every Muhammadan, *male or female*, is *bound by religion* to acquire. Hence, in the Muhammadan world, the word is understood to mean a student of divinity.

9. The quotation from the *Koran* and the *Hadis*, adduced by the Central National Muhammadan Association in support of the assertion contained in paragraph 4 of their memorandum, have nothing to do with the real matter under discussion, as would appear from the detailed examination of the sacred texts, which is separately embodied in Appendix A.

10. It is undisputed that the word *ilm** literally means knowledge; but the question is what the doctors of the Muhammadan law have understood by it in the compound word *talib-ul-ilm*. What it really means is fully explained in the *fatwas* given by some of the most learned scholars of the day (all of whom have recently been honoured by His Excellency the Viceroy with the title of *Shams-ul-Ulama*), translations of which are appended and marked B, C, D, and E, and in the memorandum, marked F, drawn up by a member of our Society, and will fully concur in the views therein expressed. It will be noted that three of the appendices (C, D, and E) contained the opinions of leading *Mujtahids* of the Shiah sect.

11. With regard to the proposal for the formation of Central and Branch Committees with a view to exercise control and supervision over the *wakf* estates, we concur with the opinion expressed by two members of your Committee, that such Committees are not

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* *Ilm—Lit.*—"To know; knowledge."
In Muslim Theology the word *ilm* is always used for *religious* knowledge. Abdul Haqq says it is the knowledge of religion as expressed in "the Book" (Quran) and the "Sunnah" (Traditions), and is of two kinds, '*Ilm-ul-Mabadi*,' elementary knowledge, or that relating to the words and sentences of the Quran and Hadis; and '*Ilm-ul-Maqasid*,' perfected knowledge, or that relating to faith and works, as taught in the Quran and Hahdis. *Hughes, Dictionary of Islam* 1885), page 200.

calculated to command the confidence of the generality of the Muhammadans, and that the functions which are intended to be entrusted to them would be better performed by European officials, with the aid of Muhammadan gentlemen commanding local influence.

12. Moreover, it is to be feared that an unpaid agency could hardly be expected to perform the work uniformly well. With the lapse of time, as the enthusiasm inspired by the novelty of the measure begins to flag, the interest taken in the matter might be slackened, the members might grow indifferent and less attentive, and in such cases the supervision would be anything but perfect or satisfactory.

We have, &c.,

(Sd.) MAHOMED RUHEEMOODDEEN, *President.*
„ JAHAN KADAR MEERZA, } *Vice-Presidents.*
„ MAHOMED NUSSEEROODDEEN, } *Vice-Presidents.*
HYDER, } *Vice-Presidents.*
„ ABDOOL JUBBAR.
„ MAHOMED BUKHTYAR SHAH.
„ „ ABDOOR ROWOOF.
„ ABDOOL HAI.
„ AGA SYED SADICK.
„ MIRZA MAHOMED BAKUR SHIRAZEE.

(Sd). BUZLOOL HUCK.
„ A F. M. ABDUR RAHMAN
„ MIRZA MAHOMED JAH ALI.
„ MAHOMED NURUL AIAM
„ „ ZAHURUL HAQ.
„ KALIMUR RAHMAN.
„ ALI BUKHSH.
„ AHMAD
„ LATAFUT HOSSAIN.
„ ABDOOL LUTERF, *Secretary.*

APPENDIX A.

In the fourth paragraph of their memorandum, the Central National Muhammadan Association adduce some quotations from the *Koran and Hadis* in support of the view that the word *talib-ul-ilm* means a "Seeker of knowledge in all its branches." But an examination of the verses and traditions quoted would show that there is no indication in them of the sense in which they have interpreted the word *talib-ul-ilm*. The first verse علم آدم الاسماء كلها *'Allama adama al-asma-a-kullaha'* means "He taught Adam the names of all things.' Of the four words composing the verse, not one means "knowledge in all its branches." Of course the word *talim*, from which *allama* in the above verse is derived, means to teach, and the word *ilm*, from which *talim* is derived, means "to know" or "knowledge" But these do not prove that the compound *talib-ul-ilm* means seeker of knowledge in all its branches, or of all to which the words *ilm* and *talim* can be applied. *Talib-ul-ilm* means seeker of *the* knowledge, and the particular knowledge which is meant by it will vary according to circumstances. In a book of philosophy it will denote one engaged in the study of philosophy; in a religious book or endowment deed it will mean "seeker of religious knowledge;" and so on.

The second verse runs thus:—

واذ علمتك الكتاب والحكمة *wa iz államtuka al-kitaba wa al-hikmata.* It means "and when I taught thee the book and the knowledge of religion." That in this verse the word *al-kitab* means scripture and not *Koran*, as shown in the Central National Muhammadan Association's memorandum, and that the word *al-hikmat* means knowledge of religion and not science, will be seen by a reference to the exegesis of the *Koran*, such as *Ma álim-ut tanzil*, *Madarik*, &c. Even if the word *al-hikmat* be translated as science, it would mean, in the verse in question, the science of religion, and not science in general. If the Central National Muhammadan Association contend that the word *al-hikmat* here means "science in general," they must adduce proof that there was any incident in the life of Jesus Christ, to whom the above verse was addressed, which showed that he was taught by God any science except the science of religion. It will rather be found in the New Testament that science and philosophy have been pronounced to be "unprofitable and vain."

The third verse يؤتي الحكمة من يشاء *yuti-al-hikmata-man-yashao* means "He giveth the knowledge (of religion) whomsoever He pleaseth." (Here it may be observed that the Central National Muhammadan Association have translated the word *al-hikmat* to mean *knowledge*, whereas in the second quotation the same word is rendered to be *science.*) The word *al-hikmat* in this verse also does not mean "knowledge in all its branches," but some particular knowledge, which, from the commentaries of the *Koran*, would appear to be the knowledge of religion.

Now the tradition of the prophet طلب العلم فريضة means "seeking of the knowledge (of religion) is obligatory," and not "seeking of knowledge in all its branches is obligatory." With regard to this tradition, it is plainly stated in *Kashf-uz-zunún* that the commentators of *Koran* and narrators of traditions explain the word *al-ilm* in the said *Hadis* to be the knowledge of *Koran* and traditions of the prophet; that the Doctors of Muhammadan law declare it to be the knowledge of what is lawful and what is unlawful according to religion and that the students of scholastic theology aver that it is that knowledge by means of which the unity of Godhead is comprehended.

The second and fourth traditions quoted by the Central National Muhammadan Association are spurious traditions, which, according to his religion, no Muhammadan ought to quote without mentioning the fact of their being spurious Such traditions cannot be accepted as authority.

The third tradition quoted by the Central National Muhammadan Association is علموا اصبيانكم الرمي which means "instruct your children in archery." This only denotes that the word *ilm* can be used in connection with archery. There is, however, no contention as to the literal significance or application of the word *ilm*. Here the question is, whether the compound *talib-ul-ilm*, used in deeds of endowment, does mean other than a student of Divinity ?

The passages quoted from *kashf-uz-zunún*, in the fifth paragraph of the Central National Muhammadan Association's memorandum, are not exactly as they stand in the book itself. They have been partially altered without regard to grammatical correctness, and do not convey the original ideas of the author. The first passage given correctly would be—

الملنظر الاول في العلوم الاسلامية واعلم ان العلوم المتداولة في الامصار علي صنفين صنف طبعي
للانسان يهتدي اليه بفكرة وهي العلوم الحكمية و صنف نقلي يا خذه عمن و ضعه وهي العلوم النقلية

"Chapter I. Regarding Islamic knowledge —And know that the subjects of learning in vogue in the land are of two kinds (mark the difference !)—one intellectual, which a man can acquire by means of mental faculties, and this is philosophical knowledge; and the other traditional, which a man receives from their authors, and these are called traditional learnings." Below this very passage, after mentioning some other things, the author of *Kashf-uz-zunún* says :—

و هذه العلوم النقلية كلها مختصة بالملة الاسلامية

"and these traditional learnings, all of them, belong exclusively to the followers of *Islam*."

The second passage from *kashf-uz-zunún* also does not appear in its perfect form in the Central National Muhammadan Association's memorandum. But all that can be gathered from it is that the word *ulum* (plural of *ilm*) can be used in denoting sciences. and that a student ought not to despise the study of sciences. In regard to the first point, it has been already noted above that the word *ilm* by itself means knowledge, and when *al* is prefixed to it, it means *the* knowledge: hence *talib-ul-ilm* means "seeker of *the* knowledge," and the particular knowledge meant by it, when used in theological works and endowment deeds, is, as already explained, the knowledge of religion. Now. as to whether it is proper to study philosophical works, and if so, under what circumstances, it is strange that the warning conveyed in the note just below the second passage quoted from *Kashf-uz-zunún* by the Central National Muhammadan Association should have escaped the notice of the members of that body. It runs thus—

اعلم ان النظر و المطالعة في علوم الفلسفة يحل بشرطين احدهما ان لايكون خالي الذهن عن العقائد
الاسلامية بل يكون قويافي دينه راسخا علي الشريعة الشريفة و الثاني ان لايتجا وز مسائلهم المخالفة للشريعة
و ان تجاوز فانما يطالعها للرد لا غير

"Know that the study of philosophical sciences and application to them may be lawful if two conditions be observed—

"*First*, that the student be not ignorant of the articles of Islamic faith; he should rather be well versed in religion and a steadfast follower of the noble *Shariat* (Muhammadan law).

"*Secondly*, that he should not go beyond the proper bounds in studying the questions repugnant to Muhammadan religion; but if he does exceed the due limit, he should study them simply with the intention of proving their fallacies, and for no other purpose."

ABDOOL LUTEEF,

14*th March* 1887. *Secretary.*

APPENDIX B.

Translation of a Fatwa given by Shamsul-Ulama Maulavi Muhammad Saeed of Patna.

Question.—What do the learned Muhammadans say in explanation of the word *ilm* (knowledge) in the following Hadis :—

طلب العلم فريضة علي كل مسلم و مسلمة

"It is binding upon every Mussalman, male and female, to seek the knowledge ?" Which knowledge is meant by *ilm* referred to here ? Does it include all the branches of learning, or only one kind of it ? If the latter, what particular kind of knowledge is meant by it ?

Answer.—In his work called *Musnad*, Imam Abu Hanifah has related the Hadis in full as noted in the question ; but in *Mishkat*, it is related with the omission of the words و مسلمة The meaning of *ilm* in this tradation, as stated by Shaikh Abdul Hack of Delhi, is that knowledge which Muhammadans are bound to learn agreeably to their conditions in life; as, for instance, when a man embraced Islam, it became obligatory upon him to know the Creator and His attributes, to know the prophet, and to know other things. without a

knowledge of which faith is not perfect. Again, when the time for prayer arrived, it became incumbent upon him to learn the rules of prayer. When the month of Ramazan came, it became obligatory upon him to learn the rules of fasting. When a man became possessed of property enough to necessitate the payment of *zakat* (a kind of religious tax), it became obligatory upon him to learn the rules regarding it; but if he died before the due time, and did not learn them, he will not be a sinner. When a man married, he became bound to learn the necessary obligations of a conjugal life, and so on. Further, Abdur Rauf Munawi Shafie, in *Taisir*, the commentary on *Jami Saghir*, says: "By *ilm*, in the above Hadis, is meant that knowledge which one should not neglect, such as the knowledge of the Creator, the prophethood of the prophets, particulars of prayers, &c., the knowing of which is obligatory."

The reason why a knowledge of religion is specially understood in the above is because the words كل مسلم و مسلمة (all Mussalmans, males and females) indicate that knowledge, which is strictly obligatory, and the knowledge which is strictly obligatory is the knowledge of religion.

ABDOOL LUTEEF,

Secretary.

APPENDIX C.

Translation of a Fatwa given by Shamsul-Ulama Mufti Syud Muhammad Abbas of Lucknow (now of Garden Reach).

Question.—What do the learned Muhammadans say in explanation of the word *ilm* (knowledge) in the following Hadis:—

طلب العلم فريضة على كل مسلم و مسلمة

"It is binding upon every Mussulman, male and female, to seek the knowledge?" Which knowledge is meant by *ilm* referred to here? Does it include all the branches of learning, or only one kind of it? If the latter, what particular kind of knowledge is meant by it?

Answer.—The word *ilm* in the above tradition means knowledge of religion and its preliminaries, which are calculated to bring about salvation in the next world.

ABDOOL LUTEEF,

Secretary.

APPENDIX D.

Translation of a Fatwa given by Shamsul-Ulama Maulavi Syud Abul Hasan of Lucknow.

Question.—What do the learned Muhammadans say in explanation of the word *ilm* (knowledge) in the following Hadis:—

طلب العلم فريضة على كل مسلم و مسلمة

"It is binding upon every Mussulman, male and female, to seek the knowledge?" Which knowledge is meant by *ilm* referred to here? Does it include all the branches of learning, or only one kind of it? If the latter, what particular kind of knowledge is meant by it?

Answer.—By knowledge is meant the knowledge of the five religious obligations, and the knowing of what is lawful and what is unlawful according to religion.

ABDOOL LUTEEF,

Secretary.

APPENDIX E.

Translation of a Fatwa given by Shamsul-Ulama Maulavi Syud Muhammad Ibrahim of Lucknow.

Question.—What do the learned Muhammadans say in explanation of the word *ilm* (knowledge) in the following Hadis:—

طلب العلم فريضة على كل مسلم و مسلمة

"It is binding upon every Mussulman, male and female, to seek the knowledge?" Which knowledge is meant by *ilm* referred to here? Does it include all the branches of learning, or only one kind of it? If the latter, what particular kind of knowledge is meant by it?

Answer.—By knowledge in the above tradition is meant the knowledge of religion?

ABDOOL LUTEEF,

Secretary.

APPENDIX F.

From a perusal of the papers published in the Supplement to the *Calcutta Gazette* of the 16th February 1887 it would appear that the lamentable mismanagement of *wakf* estates, as disclosed by the recent enquiries of the Endowment Committee, and the utter insecurity of such properties in the hands of indiscreet trustees, whose extravagances, in the absence of any check against malversation, have on various occasions been the cause of their being sold off as heritable properties in execution of decrees, call loudly for some supervision on the part of the Government to prevent misappropriation, and to ensure that the funds are applied to the particular purpose or purposes for which they were granted by the donors. But whether this supervision should be exercised through a Central Committee or the district officers it is a question for the Government to decide. All that one can wish in this matter, as a member of the Muhammadan community, is that the agency to be employed for carrying on the control may not be very expensive or untrustworthy.

It appears, however, that a great difference of opinion exists among Muhammadans as to how the funds should be applied when the *wakf* has been granted for educational purposes. The Central National Muhammadan Association, while avowing that they do not mean to devote the endowments to other purposes than those for which they were originally granted, urge that, having regard to the exigencies of the present situation, the income of endowments for education should be utilised in instructing the Muhammadans in the language of their rulers, so that they might be enabled to compete on equal terms with the Hindus and other subjects of Her Majesty; and in support of the view that the adoption of such a procedure would be right and proper, they adduce (1) the opinion of Maulavi Naim of Lucknow, to the effect that "*tulbas* are those who acquire secular knowledge," and that "it is proper to learn the science of the ruling monarch, if such knowledge does not militate against one's religion;" (2) the significance of the word *talib ul-ilm*, which they assert to be a generic term, meaning "seeker of knowledge;" and (3) the practice followed in other Muhammadan countries with regard to teaching of knowledge and sciences in general in mosques and madrassas founded by sovereigns, chiefs, and well-to-do people.

On the other hand, the Hon'ble Maulavi Abdul Jubbar argues that all endowments in which provision has been made for the maintenance of *talib-ul-ilms* should, according to the wishes of the grantor, be solely devoted to the use of students of divinity, and not to the benefit of seekers of secular knowledge, inasmuch as the word *talib-ul-ilm* in *wakfnamahs* is intended to signify one engaged in pursuit of religious knowledge.

The point therefore to be settled now is, which view as to the proper disposal of endowment funds is correct, and can be safely adopted. There is no doubt that the present backward state of Muhammadans in respect of education stands in urgent need of amelioration; but will it be proper for the attainment of this much-desired object to have recourse to the measure advocated by the Central National Muhammadan Association? The grounds on which the recommendation of the Association is based do not seem to hold good.

1*st*.—The statement ascribed to Maulavi Naim, that "*tulbas* are those who acquire secular knowledge," is, on the face of it, incorrect, and seems to be a garbled version of what the Maulavi is supposed to have said. The word *talaba* (not *tulba*) means only seekers, and as such it can be as well applied to seekers of secular knowledge as to seekers of religious knowledge. The second quotation from the Maulavi's statement is not also of much help. He says:—"It is proper to learn the science of the ruling monarch, if such knowledge does not militate against one's religion." This is all very true; but it does not mean that endowment funds should be utilised in teaching "the science of the ruling monarch."

2*nd*.—The word *talib-ul-ilm* is stated to mean "seeker of knowledge," but any one acquainted with Arabic knows that it means seeker of *the* knowledge, and not knowledge in general. The quotations from the *Koran* do not at all prove that the word *al-ilm* means knowledge in general. *Al* in Arabic, like *the* in English, is generally prefixed to nouns to define what is indefinite. Now, what particular knowledge is meant by "*al-ilm*" in the compounds "*talab-ul-ilm*" and "*talib-ul-ilm*" as used in Muhammadan law books and religious works can be ascertained from the exegesis of the Koran and the traditions of the prophet. A reference to these will show that the word "*al-ilm*" in such compounds means علم الدين "*ilm-ud deen*," the knowledge of religion, or the knowledge which the prophet himself inculcated to his disciples. That this is the correct meaning of the word "*al-ilm*" will also be apparent by a little reflection on the meaning of the *Hadis* quoted by the Association itself طلب العلم فريضة, which in its complete form is (وصلعة) طلب العلم فريضة على كل مسلم or seeking of *the* knowledge, *i.e.*, the knowledge of the principles of Muhammadan religion and articles of faith, is obligatory on every Muhammadan male (and female). If the significance of the word "*al-ilm*" in the aforesaid *Hadis* be not restricted to a particular kind of knowledge, *i.e.*, knowledge of religion, which the prophet taught his followers, can it be supposed for a moment that the prophet, who is admitted even by his opponents to have been a great genius of his age, declared to his followers that seeking of knowledge in general, including sciences, was *obligatory* on every true believer; while evidently it is beyond the capacity of ordinary men to acquire such universal knowledge. The two quotations from *Kashf-uz-zunún* also do not prove that it is desirable or proper to defray the expenses of teaching sciences in general from out of endowment funds.

3*rd*.—The practice followed in other countries as to founding of madrassas, &c., for imparting education to Muhammadans in other than religious subjects from out of endowment

funds should be substantiated by more trustworthy proofs than bare assertions of historians whose information is not unfrequently derived from unreliable sources, and very few of whom have the means or the capacity of sifting the truth. Even if it were proved that such institutions were actually established out of endowment funds, it would remain to be shown that in these instances the endowments were not misappropriated; for with regard to *wakf* among Sunnis, it is distinctly stated that it should be for a religious purpose, whereas the learning of languages of fire-worshippers, Manichæans, Monguls, and Hindus, except under special circumstances, can hardly be called a religious act.

Further, it will be seen from the following passage quoted from *Kitab-ul-wasaya of Alamgir* that the word "*al-ilm*" means only religious knowledge:—

و اذا اوصى لاهل العلم ببلدة كذا فانه يدخل فيه اهل الحديث و اهل الفقه ولا يدخل فيه من يتكلم بالحكمة •

"And when a man bequeaths (something) for *ahl-ul ilm* in a certain country, the word *ahl ul-ilm* will include men conversant with Muhammadan law and traditions of the prophet, and not those who discuss religious matters philosophically."

Under these circumstances, it would appear that, as pointed out by the Hon'ble Maulavi Abdul Jubbar, the word "*talab-ul-ilm*" should be taken in its restricted sense of seeking the religious knowledge, and that the income of endowments set apart for *talib-ul-ilms* should, unless expressly assigned by the donor to the teaching of secular learning, be exclusively applied to the use of students of religious knowledge.

Moreover, it is to be borne in mind that, as the Government does not undertake to provide for the religious training of the Muhammadans from out of general revenues of the country, and as there is no special priest class among Muhammadans, as there exists among Christians and Hindus, it is very desirable—rather necessary—that for the purpose of having always among Muhammadan communities some men well versed in religion, the inducements already existing for the acquirement of religious learning should not be done away with by encouraging at its expense the diffusion of secular knowledge, for the attainment of which other means are not wanting, if the Muhammadans would throw off their lethargy and avail themselves of those means. Steps should rather be taken to see that religious instruction is properly given in the madrassas, &c., supported by endowment funds.

ATAOR RUHMAN,

A Member of the Mahomedan Literary Society of Calcutta.

The 5th March 1887.

No. 304, dated Calcutta, the 20th July 1887.

From—The Secretary to the Central National Muhammadan Association,
To—P. NOLAN, Esq.

I HAVE the honour to forward herewith the second memorandum of the Central National Muhammadan Association in connection with the enquiry now pending before the Endowment Committee.

MEMORANDUM No. II.

THE Committee of the Central National Muhammadan Association have the honour to submit the following observations on the Calcutta Muhammadan Literary Society's Note, dated the 11th of February 1887.

It seems to this Association that the questions raised by the Society are beyond the scope of the Endowment Committee to enquire into or discuss, and are, in fact, calculated to divert attention from the main issue. The instructions contained in the Resolution of the Government of India, dated the 18th July 1885, and that of the Government of Bengal, dated the 9th December 1885, appointing the Committee, sufficiently indicate the scope and object of the enquiry The Government of Bengal, after pointing out that considerable good was likely to result from an enquiry into the number, character, and the mode of application of Muhammadan educational endowments, spoke thus in paragraph 3:—

"It is stated in the Resolution of the Government of India that Muhammadan endowments are usually of religious or *quasi*-religious character, and the statement in the Lieutenant-Governor's opinion is generally in accordance with the facts in Bengal. With endowments of a religious character, the enquiry which it is now proposed to set on foot will have no concern; but with endowments intended by the founder to be appropriated to educational as well as to purely religious uses, the case may be different. Here the Committee of Enquiry will be entitled to distinguish between the religious and secular aspects of such funds, and ascertain whether the latter aspects are receiving from the Trustee of the endowment the attention they deserved."

No distinction was made in the Resolution between religious and secular education, nor was there any suggestion to exclude from the enquiry endowments for special branches of Muhammadan learning—Law, Literature, or Theology. The investigation was directed *generally* to Muhammadan educational endowments as distinguished from endowments for purely religious uses. In fact, the task entrusted to the Committee was simply to enquire

what endowments still existing have an educational character, and how they can be best utilized for purposes of Muhammadan advancement [*vide* the concluding portion of paragraph 2 of the Resolution of the Government of Bengal.]

The Association therefore thinks that it is beyond the functions of the Endowment Committee to investigate into the principle which may govern the distinction between secular and religious education, or to decide whether the education, for the support of which, either partially or wholly, these wakfs were created, is religious or secular. Nor would any polemical discussion as to the belief or intention of dead men regarding the application of endowments created by them answer any useful purpose But as some of the matters contained in the Society's Note are likely to create misapprehension in the public mind, this Association feels bound to place the questions under discussion in a proper light before the Endowment Committee.

The Association cannot help regretting the attitude assumed by the Literary Society. It is clear from the Note in question that the Society understands perfectly well the object with which this Association has moved Government, viz., to devise some method by which Muhammadan endowments, especially those which are of an educational character, may be preserved, safeguarded, and utilized for their legitimate purposes.

In paragraph 2 of its Note the Society says:—"From the proceedings of your Committee and the connected correspondence published from time to time in the *Calcutta Gazette*, we understand that the Government of India is desirous of ascertaining the measures, if any, necessary for the protection and preservation of endowments made by Muhammadans for educational purposes. There is no doubt that legislation on the lines of Regulation XIX of 1810, whereby the preservation of the corpus and the legitimate appropriation of the incomes of *all* endowments will be secured, is a great desideratum; but we fear that no appreciable good is likely to result from an enquiry limited to educational endowments. Not only are such endowments thinly scattered, but they cannot, consistently with the wishes of the grantors, be utilized in promoting secular education."

With regard to the insinuations contained in the Note, this Association wishes to repeat, in the most emphatic terms, what is stated in its first memorandum, that the sole object it (the Association) has in view is the preservation of Muhammadan endowments, and the application of such funds as are available for the advancement of Muhammadan education to their legitimate purposes. It was never its intention, as the Calcutta Muhammadan Literary Society seems to imply, to divert the funds of endowed properties to purposes alien to the real intentions of the grantors; and with this view it was always willing to arrive with its opponents at any reasonable *modus vivendi* by which the object might be attained.

The Association has never advocated the study of Western literature and science disjoined from the ancient traditions of its religion or the learning of its race; nor has it ever suggested that the proceeds of wakf properties should be applied for the support of students purely of the English language. It has always advocated the study of English in conjunction with Arabic and Persian, and it contends that the students who devote themselves to the study of English along with their own classics should not be excluded from the benefit of any wakfs that are available for educational purposes.

The Committee of the Central Association regret that in this, as in other notable instances, personal jealousies have stood in the way of the good of the community, and have nearly frustrated the efforts of this Association to promote national welfare. If the present endeavours of the Central Association and its branches to preserve and utilize Muhammadan endowments for the benefit of Muhammadans should prove infructuous, the responsibility of the failure will rest not with this Association

The Literary Society, in paragraph 5 of its Note, suggests that there is "a hue and cry" against the enquiry of the Endowment Committee. The Association denies that, excepting perhaps among those whose interests are involved in the maintenance of the present state of things, there is any opposition to the objects of the enquiry On the contrary, the memorandum of this Association has been approved of and signed by leading Muhammadans in various parts of Bengal on behalf of their community.

If we understand aright the position taken up by the Society, it amounts to this: It opposes the application of any fund which is available for educational purposes from Muhammadan endowments to the support of students of the English language and Western sciences and literature, on the ground, as it contends, that the term *tâlib-ul-ilm* means students of divinity, and that it is in this sense that the term *tâlib ul-ilm* must be understood to have been used in the *wakfnamahs*. The Society also oppose the formation of Central and Branch Committees with a view to exercise control and supervision over the wakf estates because, as it says, "such Committees are not calculated to command the confidence of the generality of the Muhammadans."

The Association would offer a few observations first on this latter ground of opposition to its proposal. The Society must be aware that, under Act XX of 1863, Government has already divested itself of all power of interference over religious endowments which were under its control and supervision, and transferred them to Committees of Trustees. Only such endowments as were never under Government control have not been placed under Committees, and their fate and the way in which they are managed or mismanaged by the mutwallis must be familiar to the Literary Society. Secular endowments which were under the Local Agents before the passing of Act XX of 1863, still continue under their control. If the Muhammadan Literary Society thinks that Government would again place the

religious endowments under Local Agents, it must be unaware of the entire policy of legislation which preceded the passing of that Act. These considerations impelled this Association to invoke the assistance of the Legislature to devise some means for the protection of Muhammadan endowments which are at present being utterly wasted and ruined, and to appoint Committees which might furnish a guarantee for the proper application of the wakf funds.

As regards the proposition that it would be a misapplication of the funds of educational endowments to apply them for the support of any learning except Muhammadan theology, it is founded on two false premises. In the first place it assumes that where the words *tâlib-ul-lim* and *tâlaba* are used, it must be held that the grantor meant students of divinity and students of divinity alone; and in the second place that the word *tâlib-ul-ilm*. as understood by Muhammadan doctors, means the seeker of the knowledge, *which every Muhammadan is bound to acquire*. On both these points this Association joins issue with the Calcutta Muhammadan Literary Society.

This Association does not assume to itself the faculty of divination; but it believes in the consistency of human ideas. Is the common existing practice all over India, which has prevailed for centuries, of supporting with the funds of religious endowments, students of the Persian language and literature legal or illegal? If it is legal, why is the support of students of Western languages illegal? What is the difference between Persian and English? Is the law relating to bailment, partition, &c., secular or religious? And is a student studying the law relating to those subjects in the Hedâya entitled to any support or not? If he is, would he get any support if he studied the Hedâya in Persian or English? Is the support which has always up to this day been accorded in Islamic countries to students of dialectics, philosophy, the Ptolemaic astronomy, geometry, mathematics, and Greek medicine, lawful or unlawful? What is the difference between the study of mathematics, logic, &c., translated from Greek into Persian and Arabic, and of those subjects in the original, or in English or French? These are questions to which the Society may apply its collective mind to some purpose in its leisure moments.

The *Fatuas* produced by the Literary Society are, in the opinion of this Association, inconsequential and irrelevant. In saying this, this Association does not imply the least disparagement to the learning and authority of the gentlemen whose names are appended to the *Fatwas* in question. In the absence of a detailed statement of the circumstances connected with both sides of a controversy, a dictum founded on an *ex parte* representation is certainly of little weight. Besides, with the exception of the *Fatwa* to which Moulvi Mohammad Naim's name is appended, founded on the authority of a passage in the Fatâwa-i-Alamgiri, and which will be considered hereafter, the others deal only with the meaning of the *Hadis* طلب العلم فريضة This Association considers it unnecessary to enter into an examination of the abstract interpretation of the word العلم in this *Hadis*. But assuming that the construction which is put upon it is correct, this Association submits that it is totally beside the question at issue. The question is not what the Prophet thought it obligatory for his followers to know as a *matter of religious duty*, but whether, in the absence of any specific rule in the wakfnamahs, it is lawful or unlawful to apply the funds of Mahommedan wakfs for the support of students who devote themselves to the study of subjects other than those included in the religious duties. In other words, did the great Law giver of our Faith lay a prohibition on the acquisition of any knowledge other than the *obligatory religious duties*, and if he did not, is there any warrant in his words or sayings to lead to the conclusion that the support which is to be accorded to students from wakfs should be confined only to the students of what is *Farz*? Is there any warrant for excluding the students of languages, or literature, or astronomy, or those that devote themselves to the acquisition of handicrafts?

The Association will be able to show that there is no ground for such a narrow and bigoted contention. But before doing so, it thinks it necessary to point out a mistake into which the Society has fallen from an imperfect apprehension of the grammatical value of the article *al*.

In the 8th paragraph of its Note, the Society contends that the word *ilm* in *tâlib-ul-ilm* means religious knowledge, because the article ال gives it a definite meaning. Now it must be borne in mind that the article ال is used in four different ways. The first is إستغراق that is, when it is used before a genus, it includes within itself and connotes all species of the same genus, as الحمد لله; *secondly*, when it is used before an abstract noun, as بالعمل تحصيل الثواب لا بالكسل *thirdly*, when it is used with reference to something borne; and *fourthly*, when in reference to something already mentioned (*vide* Forbes' Arabic Grammar, p. 207, l. 16, to p. 208, l. 3). Under these circumstances it was necessary to show from some work on Fikah that whenever the article ال happens to be placed before the word *ilm*, it implies religious knowledge and no other. The *Fâtwas* refer to *ilm*, but nothing is said in order to show that the word *tâlib-ul-ilm* or *tulbai-ilm* or *tâlib-i-ilm* means "seekers of *divine* knowledge."

The Literary Society has based all its arguments upon the word *ilm* qualified by the article *al* here, as in many *wakfnamahs* there occur the words *talaba* or *tâlib-i-lm* without the article. There are several *wakfnamahs* now in possession of the Committee, which contain the above two words. The question arises what steps should be taken in such cases.

With regard to the question whether there is any warrant in the Koran, or the sayings of the Prophet, to justify the contention that the students of every learning, other than divinity, should be put beyond the pale of encouragement, the Association desires to refer to the following comment by the Imam Zamakhshari on the سورة العلق, to show the close union which exists in the Islamic system between secular and religious knowledge.

Speaking of the supreme beneficence of God, the commentator goes on to say: "He taught human beings that which they did not know, and this testifieth to the greatness of His beneficence, for He has given to His servants knowledge of that which they did not know. And He has brought them out of the darkness of ignorance to the light of knowledge, and made them aware of the inestimable blessings of *the knowledge of writing*, for great benefits accrue therefrom which God alone compasseth, and without the knowledge of writing none of the knowledges (*ulûm*) can be comprehended nor the sciences placed within bounds, nor the history of the ancients be acquired and their sayings be recorded nor the revealed books be written; and if the knowledge did not exist, the affairs of religion and the world (امورالدين والدنيا) would not have been regulated."

تفسير كشاف - سورة العلق — الاكرم - تفسير - علم الانسان مالم يعلم فدل على اكمال كرمه بانه علم عباده مالم يعلموا و نقلهم من ظلمة الجهل الى نور العلم و نبه على فضل علم الكتابة لما فيه من المنافع العظيمة التي لا يحيط بها الاهو و ما دونت العلوم ولا قيدت الحكم ولا ضبطت اخبار الاولين و مقالا تهم ولا كتب الله المنزلة الا بالكتابة و لو لاهي لما استقامت امور الدين و الدنيا *

Upon this there can hardly be any doubt that the commentator did not confine the term *ilm* to divinity or theology.

The following passage from the *Mustatrif* will show the value which the Prophet and his immediate disciples attached to general learning:—

It is related from Muaz-ibn-Jabal that the Prophet of God said:—

"Acquire knowledge, because he who acquires it in the way of the Lord performs an act of piety; who speaks of it praises the Lord; who disputes about it engages in holy warfare; who seeks it, adores God; who dispenses instruction in it bestows alms (to the ignorant); and who imparts it to its fitting objects performs an act of devotion to God. Knowledge enables its possessor to distinguish what is forbidden from what is not; it lights the way to Heaven; it is our friend in the desert, our society in solitude, our companion when bereft of friends; it guides us to happiness; it sustains us in misery; it is our ornament in the company of friends; it serves as an armour against our enemies. With knowledge, the servant of God rises to the heights of goodness, and to a noble position; *associates with sovereigns in this world*; and attains to the perfection of happiness in the next

(Kitab-ul-Mustatrif, Chapter IV, page 24, Egypt Ed.)

جلد اول - مستطرف - الباب الرابع في العلم و الادب و فضل العلم و المتعلم صحة ٢٣ *

وعن معاذ بن جبل رضي الله عنه قال قال رسول الله صلعلم تعلموا العلم فان تعلمه لله حسنة و دراسته تسبيح و البحث عنه جهاد و طلبه عبادة و تعليمه صدقة و بذله لاهله قربة لانه معالم الحلال و الحرام و بيان سبيل الجنة المؤنس في الوحشة و المحدث في الخلوة و الجليس في الوحدة و الصاحب في الغربة و الدليل على السراء و المعين على الضراء والزين عند الاخلاء و السلاح على الاعداء و بالعلم يبلغ العبد منازل الاخيار في الدرجات العلى و صحالسة الملوك في الدنيا و صرافعة الابرار في الاخرة الخ *

The great Imam-ul-Ghazzali speaks thus of the intermixture of secular and religious learning:—

"And *ulûm* are of several (or different) kinds as will be pointed out, and necessarily their value differs accordingly. But the value of education and of acquisition of knowledge is patent as I have shown. Accordingly as knowledge is superior to everything else, its acquisition is the seeking of a superior thing and its instructions the dispensing of a superior thing, which means that the objects of human beings are comprehended in religion as well as in the world; and, without regulating one's wordly affairs, religion cannot be regulated, for this world is the tillage of the next.

جلد اول احياء العلوم صحة ٨ - ثم تختلف العلوم كما سياتي بيانه وتتفاوت لامحالة فضائلها بتفاوتها و اما فضيلة التعليم و التعلم فظاهرة مما ذكرناه فان العلم اذا كان افضل الامور كان تعلمه طلباً للافضل فكان تعليمه افادة للافضل و بين ان مقاصد الخلق مجموعة في الدين و الدنيا و لانظام الدين الا بنظام الدنيا فان الدنيا مزرعة الاخرة *

(Ihya-ul-ulûm, volume I, page 8.)
And again—

"The sciences *ulûm* which have been referred to as obligatory are of two kinds—(1) *shariyeh* and (2) *ghair-i shariyeh*. The *shariyeh* are those which have been derived from the prophets, and which cannot be ascertained by reason or experience, like mathematics or medicine, nor by hearing it spoken as languages. The ulûm, which are not *shariyeh*, are of three kinds—(1) praiseworthy, (2) blameworthy, and (3) lawful. The praiseworthy sciences are those by which the affairs of the world are regulated, such as medicine, mathematics, &c."... ... ...

The lawful are poetry (which is not degrading), history, and such like.....This world is the tillage of the next, and without the knowledge of the world, the knowledge of religion is not perfected, and the world and religion are twins—*Ibid* p. 10.

العلوم بالاضافة الى العرض الذي نحن بصدده تنقسم الى شرعية و غير شرعية و اعني الشرعية ما استفيد من الانبياء صلوات الله عليهم و السلام و لا يرشد العقل اليه مثل الحساب و لا التجربة مثل الطب و لا السماع مثل اللغة فالعلوم التي ليست بشرعية تنقسم الى ماهو محمود و الى ما هو مذموم و الى ما هو مباح فالمحمود ما يرتبط به مصالح امور الدنيا كالطب و الحساب * و اما المباح منه فالعلم بالاشعار التي لا تستخف فيها و تواريخ الاخبار و ما يجري مجراه * * * * فان الدنيا مزرعة الاخرة ولا يتم الدين الا بالدنيا و الملك و الدين توامان *

The *Fatwa* purporting to be signed by Moulvi Mohammad Naim, based on a passage from the chapter on bequest in the Fatâwa-i-Alamgiri, requires some remark. The passage runs thus:—

و اذا اوصى لاهل العلم ببلدة كذا فانه يدخل فيه اهل الفقه واهل الحديث ولا يدخل من يتكلم بالحكمة *

"And if a person were to make a bequest for the *ahl-i-ilm* (people of learning) of a particular place, there will be included in it the people of law (lawyers) and people of traditions (traditionists), and there will not be included in it those who discourse philosophically."

This passage is taken from a mass of dicta dealing with the subject of bequests and legacies; and to show its inapplicability to the present discussion, it is necessary to quote more at length from the Alamgiri:—

If a person were to make a bequest for students (generally), it will not be valid, but if it is for the poor students, it would be valid. Shaikh-ul Imam Shamsul aimmah-ul Halwai has stated that the Kazi-ul Imam has held that by analogy *a bequest in favour of students of a particular locality or of a particular learning would be valid.*

* * * * *

And if one were to make a bequest to the *ahl-i-ilm* of such a city, it will include lawyers and traditionists, but not those who discourse philosophically. But whether it will include the Mutakallamîn, there is no express dictum on this point in the books. Abul Kasim has said that the works on *Kalâm* (rhetoric) are not books of learning, that is, according to custom, and they do not improve one's wisdom. Therefore by analogy the Mutakallamîn should not be included in this bequest.

و كذا لو اوصى لطلبة العلم لا يجوز و لو اوصى لفقرائهم يجوز قال الشيخ الامام شمس الائمة الحلواني رح كان القاضي الامام يقول على هذا القياس اذا اوصى لطلبة علم كورة كذا او لطلبة علم كذا يجوز * و لو اعطى الوصي واحدا من فقراء طلبة العلم او من فقراء العلوية جاز عند ابي يوسف رح و عند محمد رح لايجوز الا اذا صرف الى اثنين منهم فصاعدا و اذا اوصى لفقراء الفقهاء حكي عن الفقيه ابي جعفر انه قال الفقيه عندنا من بلغ الفقه الغاية القصوى و ليس اشتغله بفقيه و ليس له من الوصية نصيب * و اذا اوصى لاهل العلم ببلدة كذا فانه يدخل فيه اهل الفقه و اهل الحديث ولا يدخل من يتكلم بالحكمة و هل يدخل فيه المتكلمون لا ذكر لهذه المسئلة نصا في الكتب و عن ابي القاسم ان كتب الكلام ليست كتب العلم يعني في العرف و لا يسبق الى الفهم فلا يدخل تحت مطلق الكتب و على قياس هذه المسئلة لا يدخل في هذه الوصية المتكلمون كذا في المحيط * (عالمگيري مجلد ٦ صفحه ١٨٧)*

It will be seen from the above that the sentence in question has no application to students, but refers to the mode in which a bequest, made in general terms to the "learned," should be distributed—according to the legist the term "learned" not applying to those who discuss religious subjects philosophically. There is, however, one thing clear from the dicta collected together in the passage quoted above that the term *talabat-ul-ilm* طلبة العلم is generic; and that, though a bequest made to them indefinitely will not be valid, if it is specified whether it is for students of *any particular branch of learning* or of any *particular locality*, it would be valid. As regards the exclusion of those "who discuss (religious matters) philosophically" from the benefit of a bequest in favour of the "learned," a little historical

knowledge of the subject would make it clear against whom the legists purported to direct their prohibition. It was directed against free-thinkers "who discoursed on religious subjects philosophically," and the rhetoricians who flourished with great success under Hârûn and his immediate successors under the name of *Mutakallamîn*, and eventually became the *bêtes noirs* of the lawyers who were naturally desirous of keeping all the good things of the world for themselves. The reason of their exclusion is explained most clearly in that great work of Hanafi jurisprudence, the *Radd-ul-Muhtâr*, and a simple reference to it will show at once that the inference drawn by the Literary Society from the passage cited by it is absolutely unwarranted :—

Says the Radd-ul-Muhtâr (Egyptian 'Ed.) Vol, V. p. p. 654—655—"In a bequest to the learned are included the *Mutakallamîn* of Kharism and not of our country." (These latter were more offensive to the lawyers than the former). *Comment.*

"Similarly would be included those of Sham (Syria) and Egypt for the *ahl-i-Kalâm* (the philosophers or rhetoricians) of Kharism do not follow scepticism, but they learn and teach those subjects which ought to be believed, whereas in other countries they indulge in sceptical philosophy, which throws doubts in the faith of the Mussulmans." So also in the Fatâwa-i-Kazi Khan (p. 428).

جلد ٥ - ردالمحتار صفحه ٥٥ - ٦٥٤ متن - و في الوصية للعلماء يدخل المتكلمون في بلاد خوارزم دون بلادنا - شرح - (قوله في بلاد خوارزم) و كذا الاقليم الشمي و المصري ما لحابي و لعله لان اهل الكلام في خوارزم لا يتجاوزون الشبه بل يتعلمون و يعلمون ما يجب اعتقاده و في البلاد الاخرى يذكرون شبه الفلاسفة الملبسة على المسلمين عقائدهم الخ *

After the most patient and careful consideration of the Society's Note, this Association adheres to the suggestions it has already submitted to the Endowment Committee.

MOHAMED FURROKH SHAH,
President.

MEER MAHOMED ALLY,
Vice-President

SYUD AMEER HOSSEIN,
Vice-President.

HAJEE NOOR MOHOMED JACKERIAH,
Vice-President.

SHAIK MAHMOOD JILANI.
GOLAM SURWER.
AMEER ALI,
Secretary.

KABIRUDDIN AHMED,
Joint-Secretary.

SERAJUL ISLAM,
Assistant Secretary.

SYED SHAMSUL HUDA,
Assistant Secretary.

سید لطافت حسین عفی عنه (SYED LATAFAT HOSSEIN).
DEEN MOHAMMAD.
MIRZA MOHOMMED KHALIL SHIRAZI.
ZAHIRUDDIN AHMED.
BUDRUDDIN HAIDAR,
Assistant Secretary.

APPENDICES.

I

THE Calcutta Mahommedan Literary Society has entirely misapprehended the object with which the Central National Mahommedan Association cited the Arabic passages referred to in the Note. These passages were cited with the object of showing that the word *tâlim* denotes every kind of knowledge, for in the Koran instruction in "the names of things" is

designated by the word *tâlim* ; so also in physiognomy, in the interpretation of dreams and in the art of making armours. Imam Fakhruddin Razi has explained this fully in the *Tafsir-i-Kabir*.

* The second saying or assertion, which is well-known, is to the effect that اسماء *usma* means the names of all transitory things in the world in the different languages spoken by the sons of Adam, such as Arabic, Persian, Roomi, &c. (*Tafsir-i-Kabir*, VI, p. 392.)

† God taught *allama* seven persons seven things ; to Adam the names of things, to Khizr physiognomy, to Joseph the interpretation of dreams, to David the making of armour, and to Solomon the understanding of the languages of birds, and so on. (*Tafsir-i-Kabir*, VI, p. 399.)

* (القول الثاني) هو المشهور ان المراد اسماء كل ما خلق الله من اجناس المحدثات من جميع اللغات المختلفة التي يتكلم بها ولد آدم اليوم من العربية و الفارسية و الرومية وغيرها * (تفسير كبير جلد اول صفحه ٣٩٢) *

† ان الله علم سبعة نفر سبعة اشياء علم آدم الاسماء كلها و علم خضر الفراسة و علم يوسف التعبير و علم داؤد صنعة الدرع و علم سليمان منطق الطير الخ * (تفسير كبير جلد اول صفحه ٣٩٩) *

II. The translation of this verse as given by the Literary Society is as follows:— "And when I taught thee the book and the knowledge of religion." The Society further explains it thus: "That in this verse the word *al-kitab* means scripture, and the word *al-hikmat* means knowledge of religion and not science, will be seen by a reference to the exegesis of the Koran such as *Maalim-ul Tanzil and Madârik*." The translation as given by the Literary Society is incorrect. The quoted verse as it actually stands in the *Madârik* and its correct translation are given in the foot-note.

(1). Madârik, page 178.
كتاب means the character and حكمت means that knowledge which is strong and stable, correct and free, from blemishes.

مدارک التنزيل وحقايق التاويل صفحه ١٧٨
الكتاب الخط و الحكمة الكلام المحكم الصواب *

(2). Anwár-at-Tanzil (Bayzawi), p 138 and 245.
كتاب means writing (or the characters used in writing), and all books which have been revealed, among which two books have been specialised (namely توريت and انجيل on account of their superiority).

انوار التنزيل و اسرار التاويل (البيضاوي) صفحة ١٣٥ و ١٣٨ *
و الكتاب الكتابة (اي صنعة الكتابة) او جنس الكتب المنزلة و خص الكتابان (اي التوراة و الانجيل) لفضلهما *

(3.) Mowahib-i-Aliaha (Tafsir-i Hussaini p. 288 (و اذ علمتك الكتاب) Remember again O ! Jesus when I taught thee the كتاب, namely, the writing and character and حكمة or the understanding of things, and توريت and انجيل or the meanings, truth and reality of توراية and انجيل.

مواهب عليه (تفسير حسيني) صفحه ٢٨٨ *
(و اذ علمتك الكتاب) و ديگر ياد كن اي عيسى چون بياموختم ترا كتاب يعني كتابت و خط (و الحكمة) و فهم چيزها (و التوراة و الانجيل) معاني و حقايق توريت و انجيل *

(4). Kashshâf of Zamakhshari, p. 204 and 290.
توراة and انجيل have been specialised from كتاب and حكمة, for the latter includes all كتاب and حكمة It is asserted by another that كتاب means the character, and حكمة that knowledge which is firm and strong and free from all blemishes

الكشاف عن حقايق التنزيل صفحه ٢٠٤ و ٢٩٠
(التوراة و الانجيل) خصا بالذكر مما تناوله الكتاب و الحكمة لان المراد بهما جنس الكتاب والحكمة وقيل الكتاب الخط و الحكمة الكلام المحكم الصواب *

(5). Mafâtîh-ul-Ghaib (Tafsir-i-Kabir), vol. 3, p. 691.

There are two saying or assertions about the word الكتاب : one is to the effect that it means writing which means character, and the other that it denotes all books, for men begin from small, easy books, and progress towards higher books, *and* حكمة *means the knowledges which are speculative or theoretical and practical.*

مفاتيح الغيب (تفسير كبير) جلد ٣ صفحه ٦٩١ *
في الكتاب قولان احدهما المراد به الكتابة و هي الخط و الثاني المراد منه جنس الكتب فان الانسان يتعلم اولا كتبا سهلة مختصرة ثم يترقى منهما الى الكتب الشريفة و اما الحكمة فهي عبارة عن العلوم النظرية و العلوم العملية *

(6). Tafsir-i-Abi Sawood, vol. III, p. 691.
"Remember the blessings that are upon you both when I taught the كتاب the حكمة, or the knowledge of their genuses, and the توريت and انجيل the mention of which has

تفسير ابي السعود (في حاشي تفسير كبير) جلد ٣ صفحه ٦٩١ *
اذكر نعمتي عليكما و قت تعليمي لك الكتاب (و الحكمة) اي جنسهما (و التوراة و الانجيل)

خصا باكدكر صما تناوله الكتاب والحكمة اظهاراً الشر فيهما وقيل الكتاب الحكمة و الحظ الكلام المحكم الصواب *

been specialised from the كتاب and حكمت on account of their superiority. It is asserted by another that كتاب means character and حكمة that knowledge which is firm and strong and free from all blemishes

III. يوتي الحكمة من يشاء. With regard to this verse the only objection urged by the Literary Society is that the Central National Mahommedan Association has translated the word *at-hikmat* as "knowledge" in one place and as "science" in another In the second volume of the Tafsir-i-Kabir, page 515, it will be found that the word *al-hikmat* has various meanings, and not only two as given above.

IV. طلب العلم فريضة The Central National Mahommedan Association had translated the above Hadis as "seeking of knowledge" and not "seeking of knowledge in all its branches," for no one with any amount of sense can assert that the seeking of all kinds of knowledge is obligatory in the sense in which the term is understood by Moslems. The quotation from the Kashf-uz-zanoon given by the Literary Society is incorrect. It runs as follows, and shows that, even as regards the kinds of knowledge which are obligatory, there is considerable difference of opinion in the Mahommedan world.

"It is difficult to particularize that knowledge, the learning of which is obligatory upon all Mahommedans, and which is implied in the tradition (طلب العلم فريضة), for there is much difference of opinion among the learned. The commentators, and those well versed in the traditions mean by كتاب علم and سنة or Koran and the traditions. Those well versed in the فقه maintain that by it is signified that knowledge which enables one to distinguish between the lawful and the unlawful, between the sanctioned and the prohibited. The متكلمين understood by it the knowledge of the unity of God, which is the basis of religion The Sufis hold it to be the knowledge of the soul, for they regard that all motives for actions arise from the soul. With the اهل الحق it is the knowing of God."

(Kashf-uz-zunoon, vol. II, p. 135, Leepzig Ed.).

(كشف الظنون جلد اول صفحه ۱۳۵ طبع ليپزيگ) *

مطلب — تعيين العلم الذي هو فرض عين على كل مكلف اعني الذي يتضمنه قوله عليه الصلوة والسلام طلب العلم فريضة على كل مسلم و مسلمة - واعلم ان للعلماء اختلافا عظيما في تعيين ذلك العلم - قال المفسرون و المحدثون هو الكتاب و السنة - و قال الفقهاء هو العلم بالحلال و الحرام و قال المتكلمون هو العلم الذي يدرك به التوحيد الذي هو اساس الشريعة - و قال الصوفية هو علم القلب و معرفة الخواطر لانه الية التي هي شرط الاعمال لا تصح الا بها و قال اهل الحق هو علم المكاشفة

V. With reference to these two traditions, the Literary Society remarks that they are spurious, "which, according to his religion no Mahommedan ought to quote without mentioning the fact of their being spurious." This statement is somewhat astonishing for the Calcutta Mahommedan Literary Society must know that the tradition اطلبو العلم ولو كان بالصين has been quoted as an authority by many men learned in Fikah and Hadis, of whom the following are a few:—

1.	Imam Jafer Sadiq	...	died in	146 or 147H.
2.	Abu Aatika, the Shaikh of Tirmizi	...	„	279H.
3.	Faqîh Abul Lais	...	„	373H.
4.	Baihaqi, author of the Shabul Eeman	...	„	458H.
5.	Imam Ibn-i Abdul Bur ...	...	„	463H.
6.	Imam Abn Yali	...		.....
7	Hakim Sanâi, chief of the Sufis ...	...	„	576H.
8.	Jalaluddin Suyuti	..	„	911H.
9	Haji Khalifa, author of the Kashfuz-Zunoon		„	1066H.
10.	Abu Talib-i Makki.			

The Central National Mahommedan Association regrets to have to point out a glaring inconsistency on the part of the Mahommedan Literary Society and its Secretary. In 1861 and again in 1868, Nawab (then Moulvie) Abdul Latif, on the authority of this very Hadis, urged upon Government the advisability of allotting a portion of the Moshin Wakf Fund for the support of English education. In his pamphlet of 1861 he alludes to the Hadis in question palpably as a genuine "precept" of the prophet. It is somewhat strange that the Literary Society should now assume this hostile attitude, since the Central Association has been advocating the cause of Mahommedan advancement on the same authority among others

With respect to the tradition العلم علمان * علم الابدان و علم الاديان it is sufficient to say that the poet Nazami, who is regarded as one of the most learned and pious men among the Sufis, has left on record the following verses as an admonition to his son :—

تشریح نہاد خود درآموز * کیں معرفت ست خاطر آموز

پیغمبر گفت العلم علمان * علم الابدان و علم الادیان

It is not to our purpose to ascertain whether the Society considers the above two traditions as authentic and trustworthy, but it is the fact nevertheless that they have been quoted as authority in many books and by many learned men.

VI. علموا اصبیانکم الرمی By this tradition the Central National Muhammadan Association only wanted to show, as has been previously explained, that the knowledge of archery was counted as a kind of knowledge, instruction in which was recommended by the prophet; and those who are acquainted with the life of the prophet know as a fact that during his time "many were the seekers of the knowledge of archery,' and even to this day there are military schools in Muhammadan countries where this particular knowledge is taught, and for which stipends are given from endowments.

VII. The criticism on the passage quoted from the Kashf-uz-Zunoon المنظر الاول الخ is quite irrelevant, and this arises from the want of a knowledge of rhetoric in the critic. Can the Muhammadan Literary Society say by what grammatical rule it has changed the word النقلية in the line وهي العلوم النقلية الوفقية to النقلية.

The Society has supplied us with the translations of the three *Fatwas*, but has not furnished us with the originals. It is no use trying to point out the inaccuracy of these *Fatwas*, inasmuch as the Endowment Committee does not concern itself with the question what knowledge is to be acquired as a matter of religious obligation by every Muhammadan, male or female. On the contrary, the question at issue is whether, when simply the word *tâlib-ul-ilm* occurs in any deed of wakf, the entire proceeds of the wakf should be given to persons engaged in acquiring the five fundamental principles of the Muhammadan creed, or to all persons engaged in the pursuit of knowledge. With reference to this, the Association has conclusively pointed out that not only علم فرایض but even knowledge of archery and the art of making steel armour are designated by the word *ilm*.

The Calcutta Madrassa was established originally from the proceeds of a wakf property. Is instruction in the Koran and Hadis given now-a-days in the Madrassa, and if it is not, does the Society consider this a misappropriation of the funds of the wakf? Logic, Philosophy, and the Physical Sciences are taught at Feringhee Mehal in Lucknow, which is generally regarded as the chief centre of Oriental education in India. The learned men of Feringhee Mehal have always boasted of being clever dialecticians. Ought they to be considered as men unworthy of support from wakfs created for the promotion of learning? In Budrwan there is a wakf, the proceeds of which are employed in imparting instruction in the language of the Zeroastrians, viz., Persian. Can it be contended that such application is illegal?

AMEER ALI.

KABIRUDDIN AHMED.

APPENDIX IV.

No. 184, dated Calcutta, the 9th December 1887.

From—P. NOLAN, ESQ., Secretary to the Muhammadan Educational Endowments Committee,

To—The Secretary to the Government of Bengal, General Department.

THE Muhammadan Educational Endowments Committee having recently learned that the revision of the Civil Procedure Code is under the consideration of Government, with a view to legislative action during the approaching session, I am directed to submit, in anticipation of their general report, the proposals which the Committee desire to make for the amendment of the provisions of the Code as to public or charitable trusts

2. In passing Act XX of 1863, the Government of India adopted the policy of withdrawing from the executive control previously exercised over religious endowments, and of facilitating the supervision of such foundations by the Civil Courts, on the application of persons interested. It is understood that section 539 of the Civil Procedure Code was introduced, and subsequently amended with the latter object. But in practice, and as interpreted by the Calcutta High Court, the law interposes technical difficulties in the way of those who wish to make such applications, and prescribes unnecessary formalities, which the Committee desire to see removed. In the first place, cases under section 539 of the Code can be instituted by private persons only when they have a "direct" interest in the trust, and it was decided by a Divisional Bench in the case of Jan Ally *versus* Ram Nath Mundul (I. L. R., 8C., p. 32) that the interest possessed in a mosque by those who live in the village in which it is situated, and are in the habit of attending prayer meetings held in it, is not direct, within the meeting of the section. It would seem to follow that the real beneficiaries of a public trust, that is to say those members of the general community who derive advantage from it in its ordinary operation, can seldom proceed under the section; while those whose interest in the foundation is more direct, as being entitled to share in its management, and who therefore can institute suits, are the very men who are likely to be guilty of malversation, or other breach of the conditions of the trust. The Committee consider it most impolitic to deny the remedy to all except those who inflict the wrong, and would strike the word "direct" out of the section. To make the intention of the legislature more plain, they would also add some such explanation as that given in the following extract from Act XX of 1863:—

Nature of interest entitling a person to sue.

"The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary, or a direct or immediate, interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending, at the performance of the worship or service of any mosque, temple, or religious establishment, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section"

3 The case of Jan Ally *versus* Ram Nath Mundul also illustrates the uncertainty which prevails as to the question, what sanction is sufficient to authorise a plaintiff to institute a case for the better management of an endowment. That suit failed partly for want of the sanction of the Court, under section 30 of the Civil Procedure Code and in respect to some of its objects for want of sanction of the principal court of civil jurisdiction in the district, under Act XX of 1863. In the latter matter Mr. Prinsep's decision is apparently in conflict with that given by the High Court in the case of Delroos Banoo Begum *versus* Nowab Syed Ashgur Aly, which was confirmed by the Privy Council (*see* I. L. R., 3 Cal., 330), and has not been accepted by the Allahabad Court (I. L. R., 7 All, 179); but, nevertheless, it cannot be ignored. In the present state of the law, if persons interested can in any case safely sue for the better management of endowments, they can do so only after obtaining three several sanctions: that of the Advocate-General under section 539 of the Civil Procedure Code that of the Court after the observance of certain formalities under section 30, and that of the Chief Court of the district under Act XX of 1863. In the opinion of the Committee the only sanction which should be required for the institution of a suit as to a public or charitable trust is that of the Advocate-General under section 539, Civil Procedure Code, and that section may, with advantage, be declared applicable to all charities or public trusts, whether they were under Act XX of 1863 or not.

R. D'R. & others Reg. No. 16578J—378—5-4-88.